CALIFORNIA STATE UNIVERSITY PRESS
HENRY MADDEN LIBRARY

policy REVIEW

Spring 1989 Number 48 $4.50

Conservatism and the Black Voter
Alan Keyes

America's Shame: The Homeless Mentally Ill
E. Fuller Torrey

Line-Item Monarchism
Representative Mickey Edwards

The Man Who Brought the Deficit Down
An Interview with James C. Miller III

Religion and the Fetus
Rabbi Aryeh Spero

A Doctor's Case for Random Drug Testing
Robert L. DuPont

Letters: State Department "Defeatism," Buckley, Goldwater, and Thurmond on Civil Rights

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

RECENT HERITAGE FOUNDATION PUBLICATIONS

NEW RELEASES

Securing America's Energy and Mineral Needs
Milton R. Copulos
(1989, Critical Issues Series, $6.00)

101st Congress Congressional Directory
(1989, $9.95)

DOMESTIC POLICY STUDIES

America's Homeless: Victims of Rent Control
William Tucker
(B #685, 1989, $2.00)

Privatization of Britain's Airports: A Model for the U.S.
James L. Gattuso
(IBR #17, 1989, $2.00)

FOREIGN POLICY STUDIES

Opportunities for Bush to Bolster the U.S.–Singapore Relationship
Kenneth J. Conboy
(ASB #86, 1989, $2.00)

BOOKS

Mandate for Leadership III: Policy Strategies for the 1990s
Edited by Charles L. Heatherly and Burton Yale Pines
(1989, Hardcover, $29.95, Softcover, $15.95)

The Imperial Congress:
Crisis in the Separation of Powers
Edited by Gordon S. Jones and John Marini
(1989, Hardcover, $24.95)

For the latest 1989 publications catalog—or to order any of the above—write to:
The Heritage Foundation, Dept PR48, 214 Massachusetts Avenue, N.E., Washington, D.C. 20002

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Spring 1989

policy REVIEW

Number 48

Editor
Adam Meyerson

Managing Editor
Thomas C. Atwood

Assistant Managing Editor
Elizabeth Schoenfeld

Assistant Editor
Ben Wildavsky

Administrative Assistant
Betsy Spierling

Subscription Manager
Janice A. Carter

Publisher
Edwin J. Feulner Jr.

Associate Publisher
Burton Yale Pines

Editorial Board
David I. Meiselman, Chairman
Kingsley Amis
George F. Gilder
Stephen Haseler
Harold M. Hochman
Ernest L. Lefever
Shirley Robin Letwin
Henry G. Manne
Antonio Martino
Allan H. Meltzer
Robert Moss
John O'Sullivan
William Schneider Jr.
Gordon Tullock
Ernest van den Haag

Published quarterly by The Heritage Foundation, *Policy Review* is a forum for conservative debate on the major political issues of our time. The views in *Policy Review* are those of the authors. They do not necessarily reflect the views of the editorial board or of The Heritage Foundation.

Correspondence should be sent to *Policy Review*, 214 Massachusetts Avenue, N.E., Washington, D.C. 20002. Telephone: (202) 546-4400. Requests to reprint more than short quotations should be addressed to the Managing Editor. Send address changes to *Policy Review*, Subscription Manager. Subscription rates are $18 for one year, $34 for two years, $48 for three years. Add $8 a year for foreign air-speeded delivery.

Policy Review is indexed by The Public Affairs Information Services and The Social Sciences Index. *Policy Review* has been copyrighted in 1989 by The Heritage Foundation and is available on NEXIS. ISSN 0146-5945. National distributor: B. DeBoer, 113 E. Central Street—Rear, Nutley, New Jersey 07110, (201) 667-9300.

Alan Keyes **2** **My Race for the Senate**
Can a Black Conservative Receive a Fair Trial from the American Media?

E. Fuller Torrey, M.D. **10** **Thirty Years of Shame**
The Scandalous Neglect of the Mentally Ill Homeless

An Interview by Adam Meyerson **16** **The Man Who Brought the Deficit Down**
James C. Miller on His Years at OMB

Representative Mickey Edwards **24** **Of Conservatives and Kings**
The New Monarchism Is an Abdication of Our Principles

Gary L. McDowell **32** **Affirmative Inaction**
The Brock-Meese Standoff on Federal Racial Quotas

Rabbi Aryeh Spero **38** **Therefore Choose Life**
How the Great Faiths View Abortion

Michael I. Krauss **46** **Mulroney's Save**
Welfare-State Conservatism Beats Peronism in Overtime

Robert L. DuPont, M.D. **52** **Never Trust Anyone Under 40**
What Employers Should Know About Drugs in the Workplace

Robert N. Stavins **58** **Clean Profits**
Using Economic Incentives To Protect the Environment

Linda Chavez **64** **Tequila Sunrise**
The Slow But Steady Progress of Hispanic Immigrants

James M. Strock **68** **Citizen Service**
What You Can Do for Your Entitlements

Senator Robert W. Kasten Jr. **72** **Capitalism from the Ashes**
A New U.S. Contract with Central America

Book Reviews **76** The Other Path *by Hernando de Soto*
reviewed by Jeffrey W. Barrett

78 In Pursuit *by Charles Murray*
reviewed by Karl O'Lessker

Letters **80** Kagan, Nickel, Alexiev, and Klass on Menges; Head Start; the costs of releasing prisoners; Buckley, Goldwater, Thurmond, and Edwards on civil rights; Henry and Neuhaus on Operation Rescue

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

My Race For The Senate

Can a Black Conservative Receive a Fair Trial from the American Media?

ALAN KEYES

In 1988 I ran for the Maryland U.S. Senate seat presently occupied by Paul Sarbanes. I lost. On election day the same fate befell many Republican candidates around the country, a fact that is symptomatic of the imbalance between the political parties that persists at the grass roots despite Republican successes in presidential elections. My campaign was in many respects a representative example of the obstacles and challenges Republicans face everywhere.

In Maryland, registered Democrats outnumber Republicans 2.5 to 1, down from 4 to 1 several years ago. Both U.S. senators and six of the eight representatives are Democrats. Democrats hold all major elective posts in the state government. Republicans hold only 16 of the 141 seats in the state assembly, and 7 of the 47 seats in the state senate. In the last governor's race the Republican candidate attracted just 18 percent of the votes.

Long-Shot Campaign

The story of my entry into the 1988 Senate race reflects the difficulties the Republican Party faces in Maryland. In May, Tom Blair, who won the Republican primary in the fall of 1987, decided to drop out of the race. Though Blair was a young, attractive candidate, with excellent credentials as a successful entrepreneur and family man, he was given little chance of beating the Democratic incumbent. When he backed out, party leaders had to find a replacement or face the damaging political embarrassment of a general election with no Republican contesting the most important statewide office on the ballot. Given the odds, none of the established Republican officeholders wanted to risk giving up their seats in the Congress or the state legislature. Moreover, the party's leadership had been through a bruising internal battle over the choice of one of the State's representatives on the Republican National Committee. It was not at all clear that any known and established figure who had been involved in that fight could win united support from the factions that took part in it.

The newspapers carried the story of Tom Blair's withdrawal in late May. After reading about it one Thursday morning I called Linda Chavez to find out what was going on. Linda had been the Republican candidate against Barbara Mikulski in 1986, and a friend to me since her days on President Reagan's White House staff. During our conversation Linda asked whether I would be interested in running.

Unbeknownst to me, as the result of a suggestion made by Jeane Kirkpatrick this possibility had already been discussed at a meeting of party leaders. I told Linda that I would certainly give the matter serious consideration if anyone were interested in having me do so.

A month later, at a special convention of the Maryland Republican Party Central Committee, I received the nomination. During the interim I had consulted widely with party officials and friends. Dan Fleming, the state party's chairman, heartily encouraged me to run. Most of my trusted personal friends thought it would be a good idea. A few people, including most of the professional pols I spoke with, discouraged me. They insisted that a black conservative running in Maryland not only had no chance of winning, but would probably go down to embarrassing defeat. Fund-raising would be extremely difficult, they surmised. A credible run required at least a million dollars. I would be lucky to raise a quarter of that.

My decision to jump into the race despite the late start and the odds against me was more a matter of personal feeling than rational calculation. I have always been attracted to chores other people decline as impossible. I also like the idea of finding whether my ideas and beliefs have any political salience. Most important, I felt an obligation to all the people who had struggled, before and during my lifetime, so that people of my race could participate fully in America's political process. Progress has not been so great that I could justifiably toss away an unusual chance to prove their efforts worthwhile.

Devising a Strategy

I was not entirely without some hope of victory. The current wisdom is that Democrats dominate the political scene in Maryland because it has a strongly liberal electorate. After looking at the results of the two previous

ALAN KEYES, *formerly assistant secretary of state for international organizations, is resident scholar at the American Enterprise Institute.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Senate contests (Mikulski-Chavez, Sarbanes-Hogan), I concluded that the cause lay elsewhere. Both Linda Chavez and Larry Hogan did a reasonably good job of splitting the state's non-black electorate. They lost mainly because Maryland blacks voted overwhelmingly against them. A Republican candidate who held on to the 40 percent or so that these two candidates received, and managed to split the black vote significantly, would certainly give the Democrat a good run, and might have a shot at winning.

This strategy is easy to see in principle, but in my case it looked hard to implement. The Republican base in the non-black community lies in Maryland's political rimlands, the counties of the Eastern Shore and Western Maryland. Add to these the more conservative voters in Howard, Anne Arundel, and Baltimore Counties and you have the makings of a respectable Republican showing. Moreover, in the presidential election of 1984 (and again as it turned out in 1988) strong majorities in these counties actually offset losses in the population heartland (Prince George's and Montgomery Counties and Baltimore City), to produce a narrow victory for Ronald Reagan. Some people suggested to me that these conservative voters included many people whose racial prejudice would prevent them from supporting a black candidate. On the other hand, black voters have the reputation of being predominantly liberal. A black conservative, whose message successfully consolidated the conservative Republican base, risked alienating the supposedly liberal black electorate. The nightmare scenario for my candidacy, therefore, was that conservative whites would decline to support me because of my race, and blacks would vote against me because of my conservative views.

Conservatives' Mistake in 1960s

My personal experience told me that the notion that conservative voters are racist is a slander perpetrated by the liberal Democrats who mainly benefit from it. I have moved in conservative circles most of my adult life. I encountered no more racism, and a lot less patronizing condescension, than in the society at large. Similarly, I knew from my own life and family that many black people are innately conservative in their thinking. On issues like crime, drug abuse, education, and the need for strong moral values that support the family I saw no reason for them to respond differently than the general population. The Democratic hold on the black vote seems to me less the result of the party's liberalism than the hardened residue of historical circumstances.

Conservatives, and some Republicans, allowed themselves to become scapegoats in the '60s when the Democratic Party finally threw out the racist bargain that had been the basis for the New Deal coalition's presidential victories. Sound conservative ideas of self-government and free-enterprise economics could have saved the civil-rights movement from mistakenly tying black hopes to Great Society statism. Instead of forging an alliance with the movement based on common allegiance to the primacy of individual rights, leading conservatives fell into the trap of states' rights advocacy. Though many were free of racism of any kind (as for example Barry

Bill Wanamaker

Alan Keyes did not lose because of racism. I lost because the black vote remained solidly in the Democratic column.

Goldwater certainly was), they became identified with the last-ditch stands of the southern segregationists.

Black voters, who rightly regard the successes of the civil-rights era as the basis for their political freedom today, are still locked within the time warp created by this historic mistake. To them the word "conservative" is synonymous with opposition to civil-rights gains. Unfortunately, this cuts off many blacks from their own political instincts and views. Though uncomfortable with the permissiveness and dependency encouraged by liberal approaches, they support liberal candidates out of fear that conservatives want to turn the clock back on civil rights. Unfortunately, until recently conservatives tended to accept the notion that the black voter was out of their reach. They did not make strong efforts to communicate today's conservatism to blacks. Their apparent ignorance and indifference, coupled with the perpetual drumfire of exaggerations, distortions, and outright lies trumpeted by the liberal media, keep alive the identification in black minds between conservatism and racism. An example of this drumfire is the enormous play given to David Duke's racist campaign in Louisiana. Although he ran for a relatively minor state-level office the media made his name a household word. By contrast, they fastidiously downplayed my race in Maryland for one of the most important electoral positions in the country. Whatever reinforces the false impression that Republicans and conservatives are racist gets big play. Whatever decisively refutes it is ignored.

In my campaign I was determined to work against this false identification. I wanted to appeal to the conservatism in the black community. In the process I felt I could develop a truly non-racial political message that would consolidate the Republican conservative base while generating support across party lines among all Maryland voters. I wanted it to stand in stark contrast with

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the fragmentary appeals usually made by Democratic politicians, for whom politics appears to be a form of interest-group payola with the taxpayer footing the bill. All this meant running a campaign in which the message mattered more than the image, in which the goal would be persuasion rather than slick manipulation.

Tokenism Slur

This overall strategic judgment dictated my most important personnel decision. I had to find a campaign manager who thinks the way I do, someone who could quickly pick up the nuts and bolts of campaigning, but who would never resist the primacy I wanted to give to my conservative message. When Bill Kristol agreed to leave his job as chief of staff for then-Secretary of Education Bill Bennett a bit early and join my long-shot effort, I felt completely reassured. The young, energetic team he pulled together was incredibly hardworking and loyal. There was never a moment during the campaign when we had to spend time undoing damage from an unauthorized disclosure to the media, or some other embarrassing misstep. I believe this came at least in part from the sense that we were working together to promote some important ideas, not just to serve personal or partisan ambitions.

Many black voters heard our message and realized its worth. But they simply didn't want to buy on the first time around. Trust cannot be built in one four-month campaign.

Once the fundamental strategic judgment was made, I faced several imposing tactical obstacles. I was virtually unknown in Maryland. Initial polls put name recognition at about 7 percent. We had little time, less organization, and virtually no money. On the other hand, I felt we had the advantage of a lackluster opponent and a strong message that would carry well once heard.

Even within the Republican Party of Maryland I was an unknown commodity. Given the problem created by Blair's withdrawal, the Central Committee accepted the recommendation of the leadership and nominated me. But most were still wondering "Who is this guy?," and asking themselves whether I was just a sacrificial lamb thrust forward by the party in a last-ditch effort to save face. Liberal commentators in the media twisted this question into a racist slur, charging that Republicans had nominated me only because I was black. Carl Rowan wrote a column that epitomized this kind of attack. With no regard for my views or my qualifications for office, he made an argument based entirely on race. By his twisted logic, the fact that Republicans would nominate a black for the Senate (something the Democrats have never done anywhere in the country) constituted proof that the party was pursuing a racist strategy. As evidence of this Rowan cited the futility of campaigning against a strong Democratic incumbent. Of course, no similar charge of tokenism was made about the Republicans who faced much more entrenched incumbents elsewhere in the country.

At first the tokenism slur was an effective ploy. It gave the media an excuse to dismiss my candidacy out of hand, and created the risk that the voters would do likewise. It was hard for me to answer it, since in a sense it was not a charge leveled against me, but rather against the party that nominated me. It allows the perpetrator to play on party bigotry, demean the candidate, and yet avoid explicitly *ad hominem* attacks that might alert the public to the vicious stratagem behind it. We encountered the same slippery combination later in the campaign, in Sarbanes' effort to exploit the national furor about the Willie Horton ads.

Conventional Unwisdom

Ironically, the event that eventually allowed us to rebut the charge effectively was the result of an error by the Bush campaign's convention planners, which unfortunately gave some credence to it. I was asked to give a speech at the New Orleans convention. As part of the preparations, the convention staff sent us written guidelines for the speech that had me speaking as though I were some kind of political shill to lure unsuspecting blacks into the Republican tent. I let it be known that I would not give such a speech, and got into a tussle with the convention planners. I finally agreed to speak after the nominee called to encourage me, and on the clear understanding that I could deliver a speech of my own composition.

I doubt that the people on the convention staff understood, or understand to this day, what the fuss was about. However, many voters in Maryland did. The story of this mini-confrontation broke through the pall of media indifference and neglect, and won almost universal support and approval from Marylanders. Both blacks and whites appreciated my unwillingness to act as a token, or present a speech that made an appeal along strictly racial lines. Instead I gave a speech that stressed the Republican faith in the unity of the American people, based on our adherence to common principles of self-government. I made it clear that my approach to politics called upon the voters to look beyond narrow group interests and enmities, and to think as Americans.

I believe I paid an important price for my stand at the time. Though they deny it, I feel certain that the Republican convention planners bumped my speech from prime time television coverage as a result of this episode. (I refrained from making this statement at the time, as I had no wish to provide any fodder for Democratic efforts to harm George Bush's candidacy.) Such coverage would have been an enormous boost for my name recognition in the state. As it was, only C-Span broadcast my speech, and most Maryland voters remained unaware of anything but the controversy leading up to it. This tells us something about the media in

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

AP/Wide World Photos

On campuses such as Morgan State University I presented incentives for entrepreneurship in the inner cities as alternatives to the make-work jobs programs and dead-end job training programs of the liberal era.

general, and about the shortsightedness of some of the people who staffed the Republican national presidential campaign. Despite all the talk about reaching out to blacks and other voters, these folks failed to appreciate that this could not be done with manipulative gestures and media ploys. Republicans will reach these voters by making our principles, ideas, and values speak cogently to their patriotic consciences and public concerns, not with tokenism or shills. We should not join in exploiting the herd mentality the Democrats encourage and thrive upon. Instead, we should hold up examples of clear, independent thought. We should insist on the individualism that is basic to America's creed and encourage the groups now held in political bondage, especially blacks, to break the chains of their conformity. I believe that in my candidacy the Republican national campaign people had the opportunity to put a spotlight on just such an example—and they blew it.

As a result of their failure my campaign did not get the kind of boost from New Orleans that it might otherwise have enjoyed. Still, our handling of the matter quashed the tokenism charge, by clearly establishing that, whatever intentions others might have, I didn't fit the slot. We still faced the ongoing problem of media disinterest. I crisscrossed the state touching base with Republican groups, seeking interviews with newspaper editors and editorial boards, doing whatever radio or television bits we could arrange. But after a brief initial burst of interest at the time I was nominated, and an occasional personal profile, the media generally turned away from my efforts. During the summer we were told that no one was yet interested in the fall campaign. During the fall we were often told that other stories took precedence.

Media Conflicts of Interest

As we struggled with this problem, I was greatly tempted to conclude that it had something to do with the media's ideological bias. Yet, this hardly explains the relatively meager coverage we received from the *Washington Times,* Washington's editorially conservative daily alternative to the *Post.* I finally concluded that the bias was more institutional than ideological. The print media neglects issue-oriented electoral politics because it doesn't sell. If scandal or dirty tricks are involved, the press covers it extensively. Otherwise, not. This begins to explain the general (and generally false) impression that issues play no role in American elections. But where the electronic media are concerned, we have to go a step further.

We hear a lot these days about the high cost of political campaigns. Self-serving incumbents prate about it, while introducing legislation aimed at restricting the financial access of their challengers. Campaign finance reform has amounted to an extensive incumbency protection act. Yet no one addresses the real source of the problem, which is not where the money comes from, but where it goes. As I learned during the campaign, the bulk of a candidate's resources have to be reserved for television advertising. Institutionally, the same media enterprises that are responsible for providing election coverage also profit from campaign expenditures. A public official caught in the same situation would be guilty of a clear conflict of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

AP/Wide World Photos

I debated Paul Sarbanes on Maryland Public Television. But the commercial stations refused to carry the debate, so the vast majority of voters never got a chance to see us go one-on-one.

interest. So are the electronic media, but no one has called them on it. Overall, the managers of the electronic media have an interest in restricting free news coverage, since the more people learned about candidates from the news, the less need there would be for expensive ad campaigns.

The media's economic interest quite nicely parallels the interest of incumbent officeholders. Incumbents enjoy high name recognition as a result of their role in everyday political affairs. They have access to large contributions from interest groups and individuals who want to be sure of access when issues they care about are being voted on by the legislative branch. If financing sources are restricted, and news coverage is limited, the incumbent's natural advantage in public recognition is decisive. If he avoids egregious personal indiscretions and stays away from controversial (though important) subjects, reelection is a safe bet.

This is the political strategy of my 1988 opponent Paul Sarbanes. It serves his purposes, and those of the special interests who can gain access to his office. The public, however, gets a lackluster public servant unwilling to take risks in order to serve and advance the public interest. We would be better served by a system that increased the uncertainty of reelection, forcing officeholders to work strenuously to prove they deserve a renewed mandate.

During my campaign I suggested that ideally we should limit senators to two consecutive terms, and congressman to three. This would guarantee a turnover. But by allowing experienced politicians to return to the fray after sitting one out, we would also guarantee that newly elected legislators would always be looking over their shoulder, anxious to demonstrate their effectiveness lest an old-timer step back in to challenge them. The general principle is that the people are most secure when their elected representatives feel least complacent. This won't be possible unless something is done to regulate the conflict of interest that biases the media against political challengers.

Sarbanes's Bankrupt Liberalism

Though the media limited its coverage of the campaign, much of the attention we managed to get did us no harm. From the outset we tried to make it clear that the campaign would focus on substantive themes, and involve a lot of personal contact with the voters. We tackled the crime and drug crises and the gamut of economic and social concerns including welfare, housing, jobs, and economic opportunity, as well as social issues with an obvious moral dimension such as teen pregnancy and abortion. We discussed all these issues as manifestations of a single underlying problem—the erosion of the republic's moral infrastructure. Education became an important theme—but understood as including moral formation, not just the transmission of skills and information.

In presenting these themes we wanted to emphasize the positive difference between the conservatism I represented and the reflexive liberalism of someone like Paul Sarbanes. Like the international socialism of which it is a paler reflection, American liberalism is intellectually bankrupt and morally exhausted. The statist approaches implemented by liberals since Johnson's Great Society spree have not only failed, they have helped to exacerbate the very problems they were meant to solve. On the campaign trail I would cite and discuss the example of the welfare system, which contributed to the breakup of poor families, and ended up paying young teen-age girls to have babies outside marriage. We also pointed to the creation of a stifling public-housing system, dominated by a pervasive bureaucracy that induced passivity and dependency, rather than initiative and responsibility.

Our main thrust was not a critique of failed liberal policies, however. Instead we emphasized the new ideas that conservatives have been championing to replace them. We visited a pilot tenant-management project as the setting for a story on tenant management and ownership as alternatives to existing public housing approaches. On campuses such as Coppin State and Morgan State University (both with predominantly black enrollment) I presented enterprise zones and incentives for entrepreneurship in the inner cities as an alternative to the make-work jobs programs and dead-end job training programs of the liberal era. The government's role is to help those willing to help themselves—through policies that foster self-reliance and responsibility.

Freedom, Empowerment, Responsibility

Freedom, empowerment, and responsibility were the recurring slogans of the campaign. The central one, empowerment, was the most important and the hardest

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to convey. Though liberals talk a great deal about human dignity and compassion, most of the programs they support tend to increase the power of centralized government bureaucracies while decreasing the effective power and responsibility of individuals at the grass roots. In my campaign, we spoke of empowerment as the alternative to this approach. Under this rubric we discussed tax cuts, as the route to empowering individuals with greater say in the disposition of their hard-earned dollars. We discussed the need to develop neighborhood structures of local self-government, like the townships of 19th-century America, in which people could once again take responsibility for what goes on in their communities. In this context we pointed to the desirability of emphasizing community-based approaches in the fight against drug trafficking and other criminal activities. We discussed the importance of supporting the authority of parents within the family, as a means of restoring their moral power to guide and direct their children.

The idea of responsibility was the focus for our attack on the permissiveness tolerated and encouraged by much liberal public policy. We criticized Paul Sarbanes for voting against requiring that parents be notified when underage girls are sent for abortion counseling. We attacked his record of inconsistency in the fight against crime. We argued that unless parental authority was respected and supported, we would be unable to enforce parental responsibility. Unless criminals are held responsible for their crimes, and punished accordingly, we will be unable to enforce the laws. I tried to make it clear that each specific issue was in effect an illustration of the broader concern. The best illustration was the drug issue, which became a centerpiece of my presentations around the state. I would point out to audiences that, though tough enforcement and interdiction were needed, they could not by themselves solve our problem. The drug scourge is a symptom of moral erosion, and it will be effectively dealt with only when the underlying crisis of our moral identity is addressed. Ultimately this means taking a look at what the leftist professional educators have done to our public school curricula, and insisting that history and civic morality be reinstated as the core of what our children learn.

Under the Gun

I saw the Maryland gun-ban issue as a responsibility issue. The liberal approach to crime assumes that neither the criminal nor the law-abiding citizen is responsible for what he does. Therefore the criminal should not be too severely punished, and the law-abiding citizen should not be trusted with the means of self-defense. This approach not only contradicts the assumption of democratic self-government (that people are capable of being responsible for themselves), it also doesn't work. The gun-ban law was simply a way for politicians to look as if they were doing something about crime, while avoiding the tough measures that are really needed. Thus, the politicians also avoid their responsibility. Given the defeat of the gun-ban repeal referendum, some pundits have suggested that my support for it was a mistake. I believe that it is never a "mistake" to take the position that makes sense, even if at first a majority of voters don't agree. Moreover, in our case, the gun-ban issue helped to consolidate our electoral base (particularly in Western Maryland and the Eastern Shore). I believe I gained more votes than I lost because of it.

Surely it is a mistake for politicians to believe they are made or broken by a single issue. This can happen, but ordinarily I suspect voters develop an overall impression of the person before them. If the impression is favorable, they will forgive differences on an issue here or there, since even close friends don't agree on everything. It is better, therefore, to be honest and clear about what you think, and leave a definite, trustworthy impression, than to waffle and present a shifting character.

Broadcasters have an economic interest in restricting campaign coverage: the less people learn about candidates from the news, the more need there is for expensive political ads.

Party Bigotry

The message of the Keyes campaign clearly echoed the concerns of many Maryland voters. I often said during the campaign that we would win if the message reached enough voters by election day. It didn't. My debate with Paul Sarbanes on Maryland Public Television on October 17 helped. But the commercial stations refused to carry the debate, so the vast majority of the voters never got a chance to see us go one-on-one. President Reagan's visit to the state on my behalf also guaranteed a burst of attention, particularly because his personal insistence on making the trip conveyed a strong vote of confidence from my most recent boss. The combination of these two events ignited a momentum in the last three weeks of the campaign, which apparently consolidated the proven Republican senatorial electoral base. We won approximately 40 percent of the vote.

We achieved half our strategic goal. Contrary to the anxious fears (or hopes, as the case may be) of some leaders in the state, conservative voters reacted to the man and the message. Racial prejudice appears to have made little difference. I think this is a tribute to the fair-mindedness of many Maryland voters, and important evidence of the progress the state has achieved. On election day, Alan Keyes did not lose because of racism. I lost because the black vote remained solidly in the Democratic column. I did better than my two most recent predecessors, but still received less than 20 percent of the black vote.

Why? Stubborn party bigotry was the main reason. Along the campaign trail I often encountered non-black

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Democrats who told me that they had concluded I was the better man and would vote for me. Among blacks this was infrequent. Instead I encountered many who acknowledged that I deserved to win, then lamented the fact that I was a Republican. "I can't vote for a Republican, man. Why are you a Republican?" was a typical response. Many black voters seem trapped in a political time warp that has deprived them of their freedom of choice. Democratic liberals, both black and white, consciously exploit and manipulate the symbols of racial fear and resentment to sustain this political paralysis. The disingenuous furor over the Willie Horton ads was a prime example of this manipulation.

Although David Duke ran for a relatively minor state-level office the media made his name a household word. By contrast, they fastidiously downplayed my race in Maryland for one for the most important electoral positions in the country.

I was and am determined never to practice this politics of manipulation. That is why I reject the notion I have heard from some quarters that no one can win the black vote without parroting failed liberal platitudes. Some people insist that the only thing black voters care about is the size of government welfare programs. Yet my impression during the campaign was that a significant number of blacks realize how counterproductive many of the programs are. They recognize the powerless dependency that has resulted from government-dominated approaches. They respond to a message of empowerment through economic opportunity and local self-government. My opponents during the campaign couldn't refute the message, so they tried to discredit the messenger, with charges of tokenism and even, by implication, racism.

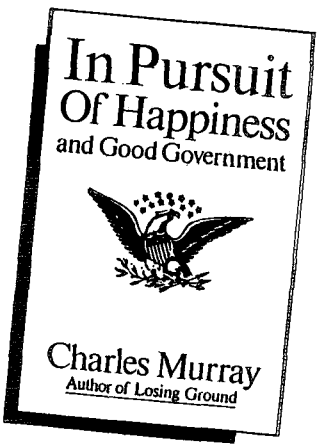
Beyond the relative effects of words and appeals, however, simple lack of familiarity had a telling impact on my ability to win black support. Many black voters saw the man, and were impressed. They heard the message and realized its worth. But they simply didn't want to buy on the first time around. That is a simple matter of trust, trust that cannot be built in one four-month campaign.

Many people have asked me if I would ever campaign again. For me the answer lies along the streets of East Baltimore, where I saw the energy and intelligence of so many potential leaders and achievers going to waste. It lies in the schools and neighborhoods around Seat Pleasant, where drug trafficking and abuse is ripping family life to shreds and drawing children into a life of criminal slavery. It lies in Howard, Frederick, and St. Mary's Counties and the Eastern Shore, where people of good will heard a message of democratic responsibility, of opportunity and faith in freedom, and responded with heartfelt gratitude. Faced with such problems, and such responses, politics ceases to be a matter of choice, and takes on the character of an irresistible calling. I have the heart to hear it. As a practical matter, I have started a political organization called the "Campaign for Maryland's Future" through which I hope to contribute to the Republican Party's ongoing resurgence in Maryland. ☎

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"*Losing Ground* made waves. *In Pursuit* will make tidal waves. With this book Charles Murray has solidified his position as the pre-eminent social scientist in America."

—**Edward H. Crane III**
Cato Institute



IN PURSUIT

Charles Murray is no stranger to controversy. In his bestselling book *Losing Ground*, he demonstrated how government programs designed to help the poor were, in fact, hurting them.

Now, with IN PURSUIT he continues his assault on government, arguing that its all-pervasive influence stifles our pursuit of happiness. Murray argues that, by making itself society's chief problem solver, government has crippled our ability to make choices and act on our individual initiatives in important areas of our lives.

Through provocative "thought experiments," fascinating case studies, and keen analyses of social and economic statistics, Murray shows us exactly how our dependence on government impedes our pursuit of wealth, safety, self-respect, and enjoyment—and he demonstrates how government hand-outs not only have failed to help minorities and the poor, but have impoverished all our lives.

IN PURSUIT is a book that is certain to spark spirited debate. No reader will ever view the role of government in quite the same way. As Ken Auletta says, "Charles Murray will infuriate people, but he will make them think."

ONLY $19.95 PLUS FREE BONUS OFFER*

#PL5057 (hardcover)

Order now and receive a
*** FREE BONUS**
GAINING GROUND:
New Approaches to Poverty and Dependency
An outstanding collection of essays by Charles Murray, Robert Royal, Glenn C. Loury, Michael Novak, and Peter L. Berger.
(Even if you return the book, keep the bonus with our compliments)

ORDER
★TOLL-FREE★
1-800-238-2200
EXT. 500
Charge your Visa or Master Card
Continental U.S.
★ 24 hours a day ★
7 days a week

★

MONEY BACK GUARANTEE
If for any reason you are dissatisfied with any book, just return it within 30 days for a refund.

Please send me the following titles of related interest:

QTY		TOTAL
____	**IN PURSUIT** Of Happiness and Good Government *by Charles Murray* PL5057 (hardcover) $19.95 (includes FREE BONUS)	_____
____	**LOSING GROUND** *by Charles Murray* CU0572 (paper) $12.95	_____
____	**COMPASSION VERSUS GUILT:** *by Thomas Sowell* TS5104 (paper) $7.95	_____
____	**THE STATE AGAINST BLACKS** *by Walter Williams* EC0034 (paper) $6.95	_____
____	**LIMITS OF LIBERTY** *by James Buchanan* ST7710 (paper) $11.95	_____
	Postage & Handling $2.50 U.S. mail or $3.50 UPS	_____
	NY State residents add appropriate sales tax	_____
	TOTAL	$_____

Send your order to: LAISSEZ FAIRE BOOKS

Dept. PRP, 532 Broadway, New York, NY 10012

☐ Send me your FREE 32-page catalog of books on liberty.
☐ My check or money order is enclosed for $_____
☐ Please bill my ☐Visa ☐Master Card

Acct. No._____

Expir. Date_____

Signature _____

Name (Please Print)_____

Address_____

City _____ State/Zip_____

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Thirty Years of Shame

The Scandalous Neglect of the Mentally Ill Homeless

E. Fuller Torrey, M.D.

The seriously mentally ill are the most poignant and helpless of the homeless population. They include most of the bag ladies, wheeling their laden shopping carts as they talk to the trees. They also include a disproportionate number of the homeless who refuse to use shelters, living instead in abandoned buildings, under bushes and bridges, or on city subway cars, because they are easily victimized by the alcoholics, drug addicts, and thieves who inhabit some shelters.

Approximately one-third of the total population of homeless adults are seriously mentally ill. Another third are alcoholics and drug addicts, and the remaining third are homeless for economic reasons, including the lack of low-income housing. There is of course some overlap in these groups, for example, the seriously mentally ill individual who also abuses alcohol, or the alcoholic who cannot find low-income housing. But the rule of thirds—seriously mentally ill, alcohol- or drug-addicted, and economically homeless—is a basic division of the adult homeless population that has emerged from several different studies of the homeless. One of the most recent, published in the *Archives of General Psychiatry*, found that 28 percent of the homeless in Los Angeles have a serious mental illness and another 34 percent are addicted to alcohol or drugs.

Chronic Diseases of the Brain

Schizophrenia and manic-depressive psychosis, the diseases that afflict the vast majority of the seriously mentally ill homeless, cause measurable changes in brain structure and function. Although the causes of these diseases are still unknown, current investigation is focused on biological factors—for example, chemical neurotransmitters (such as dopamine), viruses, immune system abnormalities, and genetic predisposition. Schizophrenia and manic-depressive psychosis are surprisingly common, with almost 1 percent of all Americans diagnosed as schizophrenic at some time in their lives. They are chronic diseases of the brain, in the same category as multiple sclerosis, Parkinson's disease, and Alzheimer's disease.

Approximately one-third, then, of the adult homeless population have brain diseases. If the total number of homeless in the United States is approximately 350,000, as the U.S. Department of Housing and Urban Development has estimated, then the number who are homeless mentally ill would be approximately 116,000. If the total number of homeless is in the range of 600,000, as a recent study by the Urban Institute estimates, then the number of homeless mentally ill would be approximately 200,000. Between 116,000 and 200,000 individuals with the equivalent of untreated multiple sclerosis, Parkinson's disease, or Alzheimer's disease live in public shelters and on the nation's sidewalks. By comparison, only 110,000 seriously mentally ill individuals remain in the nation's public mental hospitals; more of the seriously mentally ill reside in shelters and on the streets than in public hospitals. Homelessness is not only a personal tragedy for these individuals but a national scandal.

Many of the seriously mentally ill are also confined in jails and prisons. They are often charged by the police with petty crimes, such as trespassing, simply to get them off the streets. Estimates suggest that from 5 to 20 percent of the nation's 750,000 prisoners—or 37,500 to 150,000 jail and prison inmates—are seriously mentally ill. Many are rotated from shelters to jails and back again to the shelters.

Out of the Snake Pits

Thirty years ago most individuals with diseases like schizophrenia and manic-depressive psychosis were treated in state mental hospitals. But there emerged a consensus, based on good data, that most such hospitals were degrading, run-down, poorly managed "snake pits," as Mary Jane Ward's novel of that name so vividly described them in the late 1940s.

The introduction of antipsychotic drugs in the 1950s made it possible for many of the mentally ill to leave the

E. Fuller Torrey, *a clinical and research psychiatrist in Washington, D.C., is author of 10 books including* Nowhere to Go: The Tragic Odyssey of the Homeless Mentally Ill *(Harper & Row), from which this article is adapted. From 1977 to 1985 he worked in the wards of St. Elizabeth's Hospital and for the past six years he has worked with mentally ill homeless women at Rachel House in Washington.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

UPI/Bettmann Newsphotos

The lack of care for the mentally ill homeless is extraordinary in a country that spends at least $17 billion annually in public funds for mental health programs .

hospitals. The drugs helped control the voices, delusions, illogical thinking, and mood swings that accompany these diseases, and the patients often did well so long as medication was continued. Armed with Thorazine and public indignation about the condition of the hospitals, state mental health administrators began discharging patients and closing down wards. In 1955, there were 552,150 patients in public mental hospitals; by 1985, there were only 109,939, an 80 percent decline.

Deinstitutionalization was, in itself, not a mistake. Given the advent of effective antipsychotic medication, most patients who were discharged from the hospitals or who were never hospitalized in the first place could have made a successful transition to the community if the needed programs had been implemented.

Six Central Mistakes

Our failure to implement the programs—a continuing failure—is the shame of the American mental health establishment. At least six mistakes were made:

1) Mistakes about causes: Thirty years ago much less was known about schizophrenia and manic-depressive psychosis. Many professionals thought that the diseases were caused by bad mothering or stresses in society. The sociologist Erving Goffman, the author of *Asylums,* even argued that being in the hospitals caused these diseases, while the psychiatrist Thomas Szasz claimed that the diseases were mythical and that there was nothing wrong with these people that discharge from the hospital would not cure. Out of this conceptual confusion came books such as Ken Kesey's *One Flew Over the Cuckoo's Nest* and movies such as *King of Hearts.* The message of most of these was the same—open the gates of the mental hospitals, let the patients out, and they will live happily ever after.

We know now that opening the gates is not enough; most of these patients need continuing medication, social support, rehabilitation, job training, and housing. They can live happily ever after in the community, but only when an aftercare and support system is provided.

2) Failures of community mental health centers: The cornerstone of aftercare for the seriously mentally ill who were discharged from state mental hospitals was to have been the Community Mental Health Centers (CMHCs). Begun under President Kennedy, 789 CMHCs eventually received over $3 billion in federal funds. Their original charge, clearly delineated in the 1963 and 1965 congressional hearings that led to their funding, was to provide community treatment facilities for the individuals who had been released from, or would go to, state mental hospitals.

With few exceptions the CMHCs never accepted that function. Instead, most of them became counseling and psychotherapy centers for people with less serious problems. Rather than treating patients with schizophrenia and manic-depressive psychosis, they counseled people with problems with their marriages and self-esteem. President Kennedy's laudable attempts to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The message of movies like *One Flew Over the Cuckoo's Nest*—open the gates of the mental hospitals, let the patients out, and they will live happily ever after—added to the confusion about treatment for the mentally ill.

help the suffering sick became instead a federally subsidized counseling service for the worried well. This failure of the CMHC program, overseen and permitted by the National Institute of Mental Health (NIMH), is a major reason why deinstitutionalization failed and why the shelters and streets are crowded today with the mentally ill homeless.

3) Lack of mental health manpower: In 1945, when the initial congressional hearings created the National Institute of Mental Health (NIMH), there were approximately 9,000 psychiatrists, psychologists, and psychiatric social workers in the nation. Because of this shortage a special federal program was implemented to support training for these individuals. Over the next 40 years, NIMH invested over $2 billion in such training and state governments added several billion dollars more; today it is estimated that there are approximately 150,000 psychiatrists, psychologists, and psychiatric social workers in the nation. The vast majority of them received training subsidized by the nation's taxpayers.

The problem is that most of these 150,000 individuals trained with public funds became mental health professionals, not mental illness professionals. They went into the private practice of counseling and psychotherapy, avoiding practice in public clinics and state hospitals and patients with serious mental illness. No payback obligation was attached to the federally subsidized training until 1981 despite assurances to Congress in 1945 that this would be done. Foreign medical graduates, some of whom had no training in psychiatry and spoke little English, were imported to fill the positions in state mental hospitals that their American-trained colleagues refused to take. Today, more than half of all psychiatrists in public clinics and state hospitals are foreign medical graduates. Such positions pay $60,000–$110,000 per year, but American psychiatrists can earn twice that in the private practice of counseling and psychotherapy.

4) Fiscal shell game: Shortly after the federal government set up the CMHC program, it opened other federal support programs to individuals with serious mental illnesses. Medicaid, Medicare, Supplemental Security Income (SSI), and Social Security Disability Insurance (SSDI) were all extended to cover these individuals. The problem was that each program had special qualifications. For example, Medicaid will pay for a patient hospitalized in the psychiatric ward of a general hospital but not in the psychiatric ward of a state hospital. These federal support programs consequently created a massive incentive for states to shift the fiscal burden of caring for the seriously mentally ill from the states to the federal government. The most effective way to do this was simply to empty state hospitals, shifting the fiscal responsibility from state to federal programs such as SSI or Medicaid.

5) Legal loopholes: One of the spin-offs of the 1960s civil-rights movement was a coterie of well-meaning lawyers who took upon themselves the mission of legally protecting psychiatric patients. They did their job so well that state laws in almost all states were tightened, making it very difficult to involuntarily commit patients to mental hospitals or to treat them against their will.

As a consequence, large numbers of overtly and seriously mentally ill individuals who live on streets and in parks cannot be hospitalized or treated involuntarily. Many of them do not realize that they need help; the brain, the part of the body that we rely on to recognize our need for help, is the part of the body that is not functioning correctly. The pathos of the lives of these people, tormented by mental illness yet not aware of the need for help, must be seen to be believed. Yet we persist with our legalisms, saying that such individuals must have demonstrated dangerousness to themselves or to others to be treated. As the psychiatrist and writer Charles Krauthammer recently observed, "the standard should not be dangerousness but helplessness."

6) Failure to do research: The federal government failed to support research on the causes or treatment of serious mental illness. Much of that failure can be attributed to the National Institute of Mental Health, which in 1969 left its parent National Institutes of Health. NIMH had originally been designated as a research institute, with training and services as ancillary but minor functions. With the federal CMHC service program in its portfolio, however, NIMH felt it had outgrown its research base and embarked on a mission of solving social problems such as violence, racism, sexism, and poverty.

The consequences were predictable. By the early 1980s, schizophrenia and manic-depressive psychosis were more neglected by researchers than any other major disease. For every patient with schizophrenia, for example, $20 each year was spent on research, compared with multiple sclerosis ($161 per patient), cancer ($300 per patient), or muscular dystrophy (over $1,000 per patient). During the years when better treatments and information on causes of these illnesses should have been accumulating, NIMH was neglecting its primary job. In the past three years, under more enlightened NIMH leadership and prodding from congressional leaders

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

such as Senators Pete Domenici, Lowell Weicker, and Pete Wilson, federal support for research on serious mental illness has improved, but it still remains far behind the rest of the American research establishment.

$17 Billion Worth of Chaos

In short, the public mental health system has grown steadily more disjointed and ineffective over the past three decades. The lack of care for the mentally ill homeless is extraordinary in a country that spends at least $17 billion annually in public funds for mental health programs and leads the world in the proportion of gross national product spent on health. And the problems are getting worse; for example, a recent study of 132 patients discharged from state mental hospitals in Ohio showed that 36 percent of them were homeless six months later. What was once to have been a Great Society has become merely a grate society.

Fundamental to the present chaos is the divided funding of public psychiatric services. Decisions on psychiatric care are based on shifting fiscal responsibility from state to federal sources, not on what is needed by patients. Many states have made it almost impossible for patients to be readmitted to state mental hospitals, where the state pays most of the costs, forcing patients into psychiatric wards of general hospitals where federal Medicaid pays most of the costs. As a study of Medicaid for psychiatric patients by William Gronfein at Rutgers University shows: "Medicaid payments are very strongly associated with the amount of deinstitutionalization...the data are consistent with a model in which Medicaid funds are used as a way of transferring costs from the state to the federal government." Unfortunately, many general hospitals do not want these psychiatric patients and devote available bed space in their psychiatric wards to only the most desirable patients (for example, the businessman who is being treated for substance abuse), producing a severe bed shortage for those who need them most.

Another example of the fiscal shell game is the transfer of elderly mentally ill patients from state hospitals to nursing homes where federal Medicaid pays the majority of their care. There are now approximately 260,000 seriously mentally ill individuals living in nursing homes who in the past would have been put in state mental hospitals. They were not deinstitutionalized but merely transinstitutionalized.

For those seriously mentally ill patients who remain in state mental hospitals but are not eligible for nursing homes, the goal is discharge. State officials pay lip service to the idea that such patients will be better off in the community, but few any longer believe it. These patients are often the sickest and most treatment-resistant, yet they continue to be discharged so that the fiscal burden of their care can be shifted from state to federal sources. Once the patient is returned to the community, aftercare and rehabilitation resources are not developed because most such resources are not covered by federal funds. As stated by Leonard Stein and Mary Ann Test at the University of Wisconsin, "modes of treatment that are reimbursable have a profound influence on shaping the types of services provided."

Once the seriously mentally ill individuals are discharged, it is usually extremely difficult to rehospitalize them as their condition deteriorates. The legal criteria of dangerousness to self or others is interpreted very narrowly; in Wisconsin, according to *Science* magazine, "a man barricaded himself in his house and sat with a rifle in his lap muttering 'kill, kill, kill,'" yet the judge ruled that "the man was not demonstrably violent enough to qualify for involuntary commitment."

When seriously mentally ill individuals do seek psychiatric care in public facilities, their chances of receiving good care are minimal. The most recent data show that 63 percent of psychiatrists in state mental hospitals are foreign medical graduates; some are excellent but many are poorly trained and have problems understanding the patients. Another major problem for seriously mentally ill individuals seeking community care is that community mental health centers often have other priorities; for example, in Indiana, the Fort Wayne CMHC, which between 1977 and 1981 received $12.7 million in federal funds to get started, changed its name in 1983 to the "Park Center" so that it could "better reach those persons who need counseling services for life adjustment problems such as marital, family, and personal problems."

Deinstitutionalization was, in itself, not a mistake. Most patients could have made a successful transition to the community if the needed programs had been implemented.

Public services for the seriously mentally ill in the United States are in a state of chaos, and it should be no surprise that the mentally ill homeless are accumulating in shelters and on the streets. The disorganization of services, divided funding, unrealistic laws, lack of competent professionals, and unresponsive CMHCs have all produced a system that exhibits more thought disorder than most of the patients the system is supposed to treat.

Four Necessary Changes

The problems of the seriously mentally ill, including those who are homeless, can be solved. They were created by misguided assumptions and failed programs, and they can be solved by correcting these. Furthermore, solutions do not require more spending; studies have shown that states spending more money on mental health services do not necessarily have better services, and effective community services for the seriously mentally ill are not more expensive than hospital care. To solve the problems, four changes must be made, none of which requires the ex-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

penditure of additional public funds.

1) Establish a clear division of responsibility between federal and state government: Making seriously mentally ill individuals eligible for federal support programs such as SSI, SSDI, and Medicaid has divided the fiscal responsibility and set up incentives whereby decisions about care are made primarily for fiscal reasons. Responsibility for the seriously mentally ill has belonged to state and local government since the founding of the United States. The recent incursion of federal government into mental health services under the CMHC program resulted in a $3 billion fiasco. Federal government is too far removed from local needs to correctly perceive priorities for services. In addition, because the federal government does not have the ultimate responsibility for patient care, it may misdirect the federal funds to nonpatient care activities—as happened in the CMHC program. Finally, few federal officials have had any clinical experience in caring for the seriously mentally ill and thus do not understand what is needed.

It must be clearly stated, and agreed upon by federal and state governments, that inpatient and outpatient care, maintenance, rehabilitation, and housing for individuals with serious mental illness are state, not federal responsibilities. The state may in turn delegate that responsibility—along with the funds that must accompany such responsibility—to the local (county or city) level. The state remains ultimately responsible, however, and should be held accountable if it fails to carry out its public mandate.

At the same time research on the causes and proper treatment of serious mental illness should remain a federal responsibility. The National Institutes of Health is the foremost disease research complex in the world.

Inpatient and outpatient care, maintenance, rehabilitation, and housing for individuals with serious mental illnesses are state, not federal responsibilities.

Through research programs at NIH and through federal grants to universities and other organizations, the United States has achieved an enviable position as the world's leader in biomedical research. Research is an appropriate function of the federal, rather than state or local, government.

2) Block grant 95 percent of all federal funds for individuals with serious mental illness to the state: Once responsibility is fixed at the state and local level then existing federal funds for these programs should follow. All federal funds going to programs for the seriously mentally ill—including SSI, SSDI, Medicaid, Medicare, and HUD Section 202 housing funds, a total of approximately $6.5 billion—should be block granted to the states along with the existing mental health block grant. Out of these funds, combined with existing state funds, the state should pay for inpatient and outpatient treatment, maintenance, rehabilitation, and housing for these individuals.

Initially this should be done on a trial basis with only a few states and with careful monitoring. Maine, New Hampshire, Vermont, Connecticut, Ohio, Wisconsin, Minnesota, and Oregon have already demonstrated an interest in giving priority for state services to individuals with serious mental illness, and might be good places to start. Rhode Island, Virginia, South Carolina, Alabama, Oklahoma, Nebraska, and Colorado might also be considered.

Such a trial block grant of federal funds for the seriously mentally ill would of course have conditions. The state would have to give first priority for mental health services to the seriously mentally ill, especially those who are homeless or in jails or prisons. The state would also have to confront the legal issues of involuntary hospitalization and the use of involuntary treatment programs such as outpatient commitment. It should also involve patient groups such as the National Mental Health Consumers Association (NMHCA) and family groups such as the National Alliance for the Mentally Ill (NAMI) in evaluating the services being delivered. Finally, the state would be required to keep up present levels of funding for programs for the seriously mentally ill.

3) Urge states to use existing psychiatric manpower resources more effectively: There is no shortage of psychiatrists, psychologists, and psychiatric social workers in the United States. The problem is that most of them are mental health professionals, specializing in counseling and psychotherapy, when we need more mental illness professionals specializing in diseases such as schizophrenia and manic-depressive psychosis.

Almost every one of these psychiatric professionals has been trained in part with public funds. Training programs should have mandated obligations in which the person being trained agrees to a year-for-year payback in a public-sector job working with the seriously mentally ill for each year of publicly subsidized training. For professionals already trained, states can, if they wish, mandate a *pro bono* requirement of public service for continued state licensure. For example a psychologist in Denver, as a requirement of continued licensure to practice in Colorado, would have to donate four hours per month—only one hour per week—to the care of seriously mentally ill individuals in public shelters.

There is one other source of professional psychiatric manpower that all levels of government can utilize at no additional cost. These are the program administrators in mental health organizations whose sole task is the care and feeding of the bureaucracy. They include psychiatrists, psychologists, and psychiatric social workers with no clinical responsibility whatsoever; they function to write memos and push papers from in baskets to out baskets. Public psychiatric services could be improved dramatically simply by requiring all administrators—including directors of state mental health departments and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the director of the National Institute of Mental Health—to spend one day a week in direct patient care. Not only would an untapped source of fully trained manpower become immediately available, but the memos they write on the other four days would be better grounded in reality.

4) Increase federal funding for research on serious mental illness by using 5 percent of the federal block grant: The underfunding of research on the causes and treatment of serious mental illness needs to be corrected. This is overdue on humanitarian grounds alone, but can also be justified on economic grounds; a comparatively minor improvement in treatment would save literally billions of dollars. This $300 million-plus per year, added to the $294 million research budget currently being spent (fiscal year 1989) by the National Institute of Mental Health, would still fall far short of federal dollars currently being spent for research on heart and lung diseases ($1 billion) or cancer ($1.6 billion), but it would be a dramatic improvement.

As federal dollars for research on serious mental illness are increased, the National Institute of Mental Health should be returned to the aegis of the National Institutes of Health. NIH was where NIMH was originally placed, and it is now clear that it is where it belongs. Since NIMH left NIH in 1969 to wander in the fields of "mental health," its research base has steadily eroded. It is time to declare once and for all that NIMH is a research institute, rename it the National Institute of Mental Illness, and return it to NIH.

Alternatives to Hospitalization

What would happen if these four recommendations were carried out? How would individuals with serious mental illness—especially those who are presently homeless—be better off? First, states to which all federal funds for the seriously mentally ill had been block granted would quickly realize that discharging patients to nonexistent community facilities does not save money because the revolving door of hospital admissions is very expensive. Alternatives to psychiatric hospitalization, such as crisis apartments and home visits by psychiatric professionals, would be developed and found to be cost-effective. With the state no longer constrained by what federal programs do or do not cover, methods of keeping patients well would evolve (such as the use of continuous treatment teams in which a team of professionals takes responsibility for a group of patients whether the patients are in or out of the hospital). Much of the money presently going into hospital care would be used instead to develop rehabilitation programs and housing such as New York's Fountain House, a "clubhouse" day program integrated with a jobs program and apartments for the members, or Fairweather Lodge group homes in which patients share a house and work together in a job setting; such programs have been shown to dramatically decrease readmission rates.

Personnel to run these programs would be drawn largely from public sector employees currently working with the seriously mentally ill. Performance contracting and private sector initiatives should also be encouraged, while being closely monitored to avoid the "skimming" of

WE HELP YOU FACE THE WORLD

Park Center specializes in counseling and psychiatric services for adults, adolescents, children and families. Park Center has been a part of the community since 1950. What began as a small Child Guidance Clinic has developed over the years to become one of the nation's largest and finest community counseling centers. Park Center has grown with Fort Wayne and Northeastern Indiana and has expanded professional services and staff to meet community needs.

Every year we help thousands of people face the challenges of our complex world. Most people who come to Park Center feel a need for help with a life adjustment problem. Counseling services are for those experiencing:

— Unhappy relationships
— Inability to communicate effectively
— Anxiety
— Depression
— Indecision
— Procrastination
— Poor job performance
— Parenting problems
— Alcohol problems

High stress levels adversely affect work and family life. Counseling services help people reduce conflicts and strengthen relationships. At Park Center, *We Help You Face the World.*

Community Mental Health Centers, set up for patients with schizophrenia and manic-depressive psychosis, now advertise their counseling and psychotherapy services for the worried well.

easier patients by private providers or the bleak negligence of some for-profit nursing homes spawned by the federal Medicaid program. Monitoring and evaluation of these programs should rely heavily on the patients themselves (through the National Mental Health Consumers Association) and the patients' families (through the National Alliance for the Mentally Ill).

Most important, the number of seriously mentally ill individuals among the homeless population would decrease dramatically. Similarly, the number of seriously mentally ill individuals in jails and prisons would decrease sharply, reducing the populations of penal institutions by at least 5 percent. Likewise the number of episodes of senseless, violent behavior committed by individuals identified in newspapers as "former mental patients" would become rare, because such individuals would continue to receive treatment once they were discharged from hospitals.

Finally, while state and local governments are carrying out their responsibilities to provide services for the seriously mentally ill, the federal government would have sharply increased its research support for these diseases. Given the dramatic breakthroughs taking place in the neurosciences, it would be reasonable to expect more effective treatments and perhaps even the prevention of some cases to emerge from such research. An investment in research would in all likelihood lead to reduced future treatment costs.

Such a future is attainable if we wish to bring it about. The homeless mentally ill need not be permanent fixtures in the urban landscape, modern-day gargoyles with vacant eyes staring from vacant buildings. These individuals bear mute testimony to the failures of our present programs; surely we can do better than this. ☎

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Man Who Brought the Deficit Down

James C. Miller III Talks About His Years at OMB

An Interview by Adam Meyerson

In mid-February, James C. Miller III spoke about the federal budget with Adam Meyerson, editor of *Policy Review*. Miller served as director of the Office of Management and Budget from October 1985 to October 1988. He is now chairman of the board of Citizens for a Sound Economy and John M. Olin Distinguished Fellow at George Mason University's Center for the Study of Public Choice.

Policy Review: **You took over as director of OMB at the beginning of fiscal year 1986, when the federal government recorded its largest budget deficit in history. By the time you stepped down at the end of fiscal year 1988, the deficit had fallen from $221 billion to $156 billion. What explains this sharp decline without a tax increase?**

Miller: The real drop took place between fiscal year 1986 and fiscal year 1987, when the deficit fell to $150 billion—a $71 billion decline, the largest deficit reduction in our history. About $20 billion of this decline came from tax reform, which boosted revenues in the first year even though it was neutral over a period of four years. The major reason for the deficit reduction, however, was that the president hung tough on spending. He threatened to veto any excessive appropriations, and to veto new programs unless they were offset by spending cuts elsewhere.

Then, in October 1987, the market collapsed and the president was goaded into accepting a budget summit with "everything on the table." The result of those negotiations was a substantial increase in assorted taxes—mostly changes in business accounting rules (vacation pay reserves, completed contract methods, etc.)—and only very modest reductions in spending from the "current services" levels that assumed spending would be left on automatic pilot. For all the ballyhoo about the agreement between the president and the Congress, the deficit actually went up—to $156 billion in fiscal year 1988, and an OMB estimate (in the Bush budget) of $163 billion for fiscal year 1989.

One might conclude from this episode that a policy of holding firm against tax increases and against excessive spending results in a substantial reduction of the deficit, whereas agreeing with Congress to a tax increase results in no deficit reduction progress at all—in fact, it produces the reverse.

P.R.: **How important is it that the deficit be brought down?**

Miller: It's very important to bring the deficit down—for two reasons. One, as an efficiency matter, there's no question that large deficits, and the increased spending that goes with them, restrain our economic growth and our progress as a society. Taking resources from the private sector and putting them in the public sector is bad economics because at the margin the public sector spends resources much less efficiently than does the private sector.

Two, we are off-loading the burden of these deficits onto future generations, many of whom are not even born yet. The moral problem with deficits is perhaps as serious as the loss of efficiency resulting from higher government spending.

P.R.: **Most of the spending cuts in the last few years have been in defense. Have these cuts taken muscle or fat out of our fighting forces?**

Miller: The defense budget has declined in real terms over the last four years, but is still about 50 percent higher in real terms than it was in 1980. On the whole, the increases in defense were justified, given the sad state to which our readiness had fallen by the late 1970s. The cutbacks Congress has made from the president's budgets in recent years and the earmarking of funds for pork-barrel and other projects of lower priority have weakened our defenses. On the other hand, the Defense Department hurt itself with its "Chicken Little" strategy for dealing with Congress; after a while, bloated claims of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

calamitous results fell on deaf ears.

We can maintain a strong defense with less money, but only if Congress cooperates. To begin with, it might be possible to save as much as $10 billion per year by giving the Defense Department the predictability of a two- or four-year budget, rather than the yo-yo budgets they've had in the recent past.

Second, the Congress needs to carry out the remainder of the Packard Commission recommendations for procurement reform. We waste a lot of money in our procurement programs, and this could be reversed if these reforms were put in place.

Third, it's high time we declared the defense budget off-limits for pork-barrel spending. I remember several years ago how Senator Alfonse D'Amato held up the omnibus continuing resolution appropriations bill in order to put into the defense budget the purchase of some airplanes manufactured on Long Island, planes that the Defense Department didn't want and doesn't use. The defense budget is too important for this sort of chicanery, and it's time that Congress quit it.

***P.R.:* Do you think that the financial problems of Social Security and Medicare were solved by the 1983 legislation?**

Miller: Medicare is technically bankrupt. It needs major reform in its financing or in its benefit structure in the not-too-distant future. My concern is that the shortfall is going to be made up with ordinary tax revenue, thus contributing further to the notion that this is merely an insurance program. It's not; it's redistribution on a broad scale.

Of even greater concern to me is Social Security, which is basically a Ponzi scheme. I don't mean this pejoratively, but as a technical description. A Ponzi scheme can work as long as you have a burgeoning base of workers making payments into the system. But when the base narrows relative to the top, and the top, in effect, lengthens because people are living longer, then you are in real trouble.

In a sense, the 1983 reforms made the Social Security system actuarially sound. That is to say, the system is building a surplus sufficient to pay expected beneficiaries when the baby-boomers reach retirement. The problem is that Social Security trustees, by law, must invest in government securities, which are nothing but IOUs to be paid off by future taxpayers. By the year 2030, when the system begins to pay out of its surplus, the generations then working are going to have to pay back those securities. So the system is little different than if it weren't building a surplus at all. Generations of working people in the year 2030 and beyond are going to have to pay much higher taxes to support Social Security beneficiaries.

This, in my judgment, is going to cause extreme intergenerational conflict. When people of working age discover, in the year 2030 or so, that their taxes are going to be increased by enormous amounts to pay annuities for the elderly, they are going to be upset. I worry that we might see social unrest of the type we haven't seen since the civil-rights or anti-war movements of the '60s and '70s.

Bill Fisher

Miller: "I would urge Dick Darman to hang very tough on the no-tax-increase promise. If he believes that a tax increase will lead to deficit reduction, he's wrong."

By investing the Social Security Trust Fund in government securities, we also artificially lower the recorded overall deficit of the government. The Social Security surplus is around $60 billion this year. So, in a sense, the operating deficit of the U.S. government is really some $60 billion or so greater than that recorded under Gramm-Rudman-Hollings rules. The illusion of lower deficits takes some of the pressure off our political leaders to keep spending under control.

***P.R.:* What Social Security and Medicare reforms would you advise for politicians who want a sound economy and also want to be reelected?**

Miller: First, we ought to redefine our Gramm-Rudman-Hollings targets to exclude the Social Security surplus. Assuming this surplus will be in the neighborhood of $100 billion annually by 1993, I think it perfectly reasonable to extend the Gramm-Rudman-Hollings targets, say, for three years. We should be balancing the budget without the benefit of the Social Security surplus.

Second, to make sure that by 2030 the surplus is simply more than IOUs that have to be redeemed by taxpayers, the trustees should be directed to invest in instruments other than federal government securities. These could include real estate, state and local bond issues, and ordinary commercial debt (although I would not want the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

U.S. Senate

The enhanced rescission authority proposed by then-Senator Quayle would be more effective than an ordinary line-item veto.

Social Security Trust Fund to own much of the debt of any company—and certainly no equity, which would be a back-door means of state ownership).

***P.R.:* During your years at OMB, which Cabinet secretaries and agency heads were most effective in working for spending restraint? Which ones caused OMB the biggest problems?**

Miller: I was struck by the number of Cabinet meetings where the president would extol the importance of keeping the size of government under control, and remind members of his Cabinet why we "came to Washington," and then members of the Cabinet would go around the table exclaiming that they were in 100 percent agreement with the president and that he could depend on them to carry out his wishes. And I would squirm in my seat, realizing that the same Cabinet officer promising his full support had just submitted a budget that was way over the guidance that OMB had given the agency.

I can't tell you how many times agency heads told me something like this: "Jim, you know there's no one who stands behind the president's program more strongly. I was with Ronald Reagan in 19__, and I've been a supporter of all of his programs. I agree that we must get total spending down, but you must understand that my program is special, it's different." Or: "As you probably know, this is one of the president's strongest priorities." Probably three-quarters of the Cabinet officers lobbied strongly for increases in their budgets.

Don Hodel at Interior, Bill Bennett at Education, and John Herrington at Energy were probably the most cooperative in trying to restrain the growth of their own programs while meeting national needs. As for those who were least cooperative, I'm not going to mention any names, but you can just look at whose budgets rose year after year. The defense and a few other budgets, of course, the president wanted to increase himself, but other budgets continued to grow despite the president's admonitions. Most Cabinet members appealed the OMB "passback" (that is, the budget OMB passed back to the agencies in response to their requests), and frequently they appealed over my head. In some cases the president went along with their request for greater funding, but in most cases he turned them down.

***P.R.:* What were your biggest disappointments in terms of programs that are still in the budget but should have been eliminated or sharply reduced?**

Miller: I guess my biggest disappointment was the failure to get much change in the entitlement area.

About half of the budget is for entitlements—Social Security, Medicare, Medicaid, unemployment insurance, veterans benefits, and so forth. Year after year, we proposed changes in these programs that would not have affected legitimate beneficiaries adversely, but would have streamlined programs and reduced their costs. Yet Congress repeatedly refused to make the changes. Unfortunately, the president has very little leverage here. A president can veto an appropriations bill or a continuing resolution. But there's no way he can veto entitlement spending, because entitlement spending is already on the books.

I suppose that, as a long-time advocate of transportation deregulation, I am especially disappointed that we still have an Interstate Commerce Commission. Successive chairmen of the ICC have all recognized that even the agency's residual role is counterproductive: it restrains entrepreneurship and raises costs to consumers. In December 1985, as we were preparing the fiscal year 1987 budget, I reminded the president that the first federal regulatory agency—the ICC—was established in 1887 and in 1987 would be 100 years old. I said, "Mr. President, I think you will agree with me, 100 years is long enough!" He laughed, and he said, "You are absolutely right," and so we proposed eliminating the ICC in the fiscal year 1987 budget. Of course, Congress did not take that action.

We did succeed in eliminating some programs that were terribly wasteful, like UDAG and HODAG (Urban and Housing Development Action Grants). I think that the hammer of Gramm-Rudman-Hollings forced Congress to set some priorities, and to do away with egregiously ineffective programs.

***P.R.:* Are there any government programs you find particularly cost-effective?**

Miller: In the drug area, some of the education programs on the demand side seem to be far more effective at the margin than the supply-side approaches. Ed Meese did a marvelous job in trying to interdict the supply of drugs, and in many celebrated instances was able to take huge caches of drugs off the market. But we all recognize,

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sooner or later, that it's virtually impossible to eliminate the flow of drugs; all you can do is raise the price. Far more effective in trying to eliminate this scourge are education and treatment. Also, our law enforcement resources are probably better directed locally than at our borders: this is where we must be more effective at prosecuting drug sellers, and even taking to court consumers of illicit drugs. Frankly, it's despicable the way some state and particularly local politicians decry the lack of federal effort against drugs, when the data show clearly that the federal government spends a much greater portion of its law enforcement resources on the suppression of drugs than do state and local governments.

***P.R.:* As a student of incentives in the budgetary process, you've been a strong supporter of the Gramm-Rudman-Hollings approach to the deficit. Would you advise President Bush to threaten a sequester if Congress doesn't reach its own Gramm-Rudman-Hollings targets this October?**

Miller: Yes, I would. We ought to bear in mind that a sequester threat by President Bush will be more credible than the ones by President Reagan. Everyone recognized that President Reagan was loath to see a sequester of defense resources, but people do not perceive in George Bush the same commitment to defense spending. If President Bush threatens a sequester, Congress is more likely to act to avoid one.

***P.R.:* How do you explain how Phil Gramm got Congress to impose these deficit limits on itself?**

Miller: That's an interesting question for public choice theory. Number one, members of Congress recognized that there was a great deal of public disgruntlement about the deficit. The polls continued to show that the American people believed Congress was more to blame than the president for the deficit. This riled many members of Congress who truly believed it was the president's fault and wanted the public to believe it was the president's fault. So Congress was under the gun to do something.

Number two, Gramm's law of politics is "congressmen will never make a decision unless they have to"; a corollary to Gramm's law is that "they tend to make the right decision if forced to make one." Members of Congress did not want to be responsible for having to cut particular programs. Gramm-Rudman-Hollings targets gave them something to hide behind, as they were able to rationalize to their constituents some restrictions on spending.

Many members of Congress probably thought the deficit targets would force President Reagan to raise taxes. The president, it must be remembered, was not happy about Gramm-Rudman-Hollings in its final form, with defense accounting for half the funds to be sequestered if deficit targets weren't met. The version he endorsed envisioned defense taking less than a third of the hit, the same as its proportion of the overall budget minus Social Security. By placing many politically sensitive programs (in addition to Social Security) off-limits and by increasing the hit on defense, many members of Congress thought that Gramm-Rudman-Hollings in its final form would not be so devastating if it came to a sequester (that is, across-the-board cuts) and would force the president to raise taxes rather than contemplate large cuts in defense.

Finally, I think you need to attribute something to the skills of Senators Gramm, Rudman, and Hollings in bringing colleagues around to their point of view.

***P.R.:* You strongly supported President Reagan's call for a line-item veto and a balanced budget amendment. Why didn't the administration send budget process legislation up to Capitol Hill?**

Miller: The president repeatedly asked for budget process reform, and he advocated a balanced budget amendment and a line-item veto in practically every State of the Union address. He proposed additional budget process reforms in his 1988 budget message. At that time, draft legislation to reform the budget process was being circulated, but some of the people working on it got caught up in the Iran/Contra controversy, and their attention was directed elsewhere.

There were also other legislative vehicles for budget process reform, and so we didn't think it was vital for the administration to push its own bill. For example, the president supported a Senate amendment sponsored by Dan Quayle that would have given the president "enhanced rescission authority." We supported with some changes a balanced budget amendment cosponsored by Larry Craig and Charlie Stenholm in the House. In addition, legislation vehicles existed for biannual budgeting, a line-item veto, and other reforms.

I did what I could to restore the credibility of OMB's figures, and it was a major disappointment for me that many people still thought our figures were advanced for political purposes.

***P.R.:* Which budget process reforms would be most important to make?**

Miller: If I had one, it would be a balanced budget amendment to the Constitution, with a restraint on total spending as a proportion of gross national product—together with a way of relieving those restraints in an emergency by a super-majority, say, a two-thirds vote of both houses and concurrence by the president; however such an emergency variance would automatically ter-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

minate after a year. Such a measure would be close to ideal, but frankly I don't think we're likely to get it.

There's a possibility that, given enough pressure, Congress will proffer a weaker balanced budget amendment without much in the way of automatic enforcement. This wouldn't be ideal, but it would be on the books, it would be part of the Constitution, and it would carry considerable weight.

Next in order of importance would be a version of enhanced rescission authority of the sort that eight governors have, including the governors of California and Massachusetts. It works like a line-item veto, except that the governor is not limited to choosing between keeping spending at the amount appropriated or eliminating the proposal altogether; he also may reduce the amount. Mark Crain of George Mason University and I have done some research showing that in states where governors have this authority, budget growth has been restrained significantly.

The Defense Department hurt itself with its "Chicken Little" strategy for dealing with Congress; after a while, bloated claims of calamitous results fell on deaf ears.

The more I look at the state data, the more I believe that the enhanced rescission authority proposed by then-Senator Quayle would be more effective than an ordinary line-item veto. On the face of it, the president has more authority with a line-item veto that can be overturned only with a two-thirds vote of both houses than he does with enhanced rescission authority where Congress can restore full funding with the majority vote of just one house. In practice, however, enhanced rescission gives more opportunity to fine-tune priorities and keep spending under control.

I'll give a hypothetical example. Suppose Congress appropriates $3 billion for AIDS research, while reasonable analysis suggests that only $2 billion could be spent effectively. With the ordinary line-item veto, the president can choose between eliminating AIDS research completely, or keeping it at $3 billion. Well, he's not going to propose eliminating it completely. But under enhanced rescission authority, he can also propose a reduction from $3 billion to $2 billion, and this has a much greater chance of being sustained than eliminating it altogether.

***P.R.:* You played an important role in promoting airline deregulation during the Ford administration, and you were also executive director of Vice President Bush's task force on regulatory relief in 1981 and Federal Trade Commission chairman from 1981 to 1985. Are libertarian critics fair when they say the Reagan administration did less to promote deregulation than either the Ford or the Carter administration?**

Miller: I don't think that's fair. Let's separate the two kinds of regulation. The first is economic regulation—the entry and exit, service, and price regulation of specific industries. Over time, a great deal of research appeared about the effects of this type of regulation, and many elected and appointed representatives became convinced that consumers would benefit from much freer competition in industries such as airlines, trucking, and telecommunications. President Ford made significant proposals in these areas, and President Carter obtained legislative changes that were truly important. President Reagan protected these deregulatory gains and in some cases, such as banking reform and the decontrol of oil, made further progress.

The second category is social regulation, or health, safety, and environmental regulation. This has much greater impact on the economy than does economic regulation, but it has proven extraordinarily difficult to come to grips with. President Ford made an effort through his review process at the Council on Wage and Price Stability. President Carter set up the Regulatory Council. But neither of these institutional arrangements had much teeth, and under both of them the regulatory agencies did pretty much whatever they wanted.

President Reagan, on his second day in office, established under the vice president's leadership a task force on regulatory relief that served as an appeals board for new authority granted OMB under executive order to review all proposed rules issued by executive branch agencies. For each proposed new rule, unless otherwise constrained by law, the agency had to prove to OMB's satisfaction that it had sufficient information on which to base its proposal, that the benefits of the proposal exceeded the costs, and that it had chosen the least costly method of regulation. This review process has had a dramatic impact in making regulations in the social area more effective, and in forestalling meddlesome and counterproductive regulations that would otherwise have been issued.

I think that President Reagan and then-Vice President Bush deserve a great deal of credit for progress in this area.

***P.R.:* What are the most important recommendations you would make for President Bush in regulatory reform?**

Miller: Number one, he needs to support strongly the new appeals board headed by Vice President Quayle. This board must be vigilant as well as effective. It must insist that regulators follow the rules and that they not promulgate regulations until the process has run its course.

Second, President Bush should propose legislation to codify this review process and the requirement that agencies publish their regulatory plans for the coming year. Companies and individuals used to have to pay Washington lawyers a lot of money just to find out what was going on in the regulatory agencies. Now this infor-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

mation is available to everybody. Another advantage is that the agencies can be judged for their performance in meeting their own timetables.

I hope, also, that President Bush will move quickly to deregulate natural gas. Deregulation is desperately needed for more efficient utilization of our own energy resources. Competition in the delivery of postal services is long overdue, and holds the possibility of great gains to American consumers and a reduction in costs for American taxpayers; I hope the president will move to circumscribe if not eliminate the private express statutes currently prohibiting competition.

Then, of course, there's unfinished business in telecommunications, and transportation, to mention just a couple. And finally, I hope President Bush will be successful in holding on to the gains of deregulation. There is a lot of frustration about the airlines right now, and an erroneous tendency to blame airline deregulation for the problems perceived. In the case of savings and loans, I am very concerned that members of Congress will argue that the present mess was the fault of financial deregulation. The S&L mess is really a failure of government, not the fault of the competitive marketplace.

***P.R.:* How did government cause the S&L mess?**

Miller: The S&L mess has several causes, but one in particular was the failure of the government monopoly insurance company to charge premiums based on risk. This failure, of course, was influenced by Congress, so ultimately Congress is culpable. Any insurance company that doesn't rate according to risk ends up with a run by insurers to the lowest common denominator. This is exactly what happened when the S&L regulators, with prompting by Congress, allowed thrifts to diversify their portfolios into much riskier loans without any increase in premiums. A lot of S&Ls rolled the dice and lost. And others will end up paying for it.

***P.R.:* Are you disappointed that you were able to make little headway on privatization?**

Miller: Of course. Our privatization initiatives made eminent good sense. Study after study reports that when both government and the private sector are capable of producing and distributing a product or service, the private sector invariably does it more efficiently.

We also thought that Congress, in its desperation to meet the Gramm-Rudman-Hollings deficit targets, would be so anxious to take the deficit reduction associated with privatization (decrease in subsidy as well as increase in revenue from the sale of assets) that it would end up privatizing much more than we might have hoped for in the absence of this deficit crunch.

In the end we failed, except for the sale of Conrail and some loan portfolios. We underestimated the strength of the special interests (riders of Amtrak, users of the Bonneville Power system) and their effectiveness in holding onto their subsidies. The initiatives also became labeled as "phoney deficit reduction" by those who wanted to use the deficit shortfall to force the president to go along with higher taxes.

AP/Wide World Photos

"Dave Stockman became very pessimistic about fixing our budget mess, which he blamed on the hypocrisy of politicians. I'm more optimistic that we can improve politicians' performance by changing their incentives."

That's a shame. I hope President Bush will give the program an additional push, and that more thoughtful members of Congress will evaluate the pros and cons on a more rational basis.

***P.R.:* You have often spoken highly of the career bureaucrats at both OMB and the FTC, saying they followed clear instructions from political appointees, and even seemed influenced by some of your free-market ideas. What advice would you give conservative political appointees about making better use of career bureaucrats in advancing their agendas?**

Miller: First, it's important to remember that most bureaucrats are ordinary people. They have families, they pay taxes, and they care about their communities and their country. It should also be borne in mind that most bureaucrats are in government because they think public service is important and they want to serve the American people. I would encourage political appointees to laud the goals of public service and to recognize the sacrifice many of these people are making. Many civil servants could earn more money on the outside. To them the notion of public service is extremely important, it's almost a hallowed calling.

Because most bureaucrats genuinely do want to serve the public, they can be persuaded by a political appointee with better ideas. You have to plead with the career people, argue with them, roll up your sleeves and have it

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

UPI/Bettmann Newsphotos

President Reagan's "budget summit" with the Congress after the 1987 stock market crash led to an increase, not a decrease, in the deficit.

out with them in a friendly way. You have to convince them that your policy approach indeed serves the public more efficiently than the policies they may have adopted previously. If you do this, the bureaucrats will listen, and they will concede you the benefit of the doubt. This convincing takes more time at some agencies than others, but at many agencies a large number of bureaucrats are now convinced that public service is best carried out by letting markets work. Obviously if this means dismantling an agency or reducing the number of employees, you have to help people find rewarding employment elsewhere in government or in the private sector.

***P.R.:* How well does the press cover budget issues?**

Miller: I think on the whole press coverage of budget issues is very good. But what bothered me most at OMB was the presumption of most reporters that OMB numbers were produced for political purposes, and therefore not to be believed. This was a reflection on some earlier history at OMB, but as a former academic who thinks it's important for numbers to be reliable, I found this presumption extremely disconcerting. For three years running, both members of Congress and the press beat me over the head with the "rosy scenario" charge; they said our projections of economic growth, and hence of

Social Security is basically a Ponzi scheme. I don't mean this pejoratively, but as a technical description.

revenues, were too optimistic. Well, the fact is, for two of those three years and also for the entire three-year period, OMB underestimated revenues.

Of course, we also underestimated outlays. But this was because Congress, in failing to make changes in entitlement programs, and in its overall appropriations, spent more than the president asked for. The reason the deficit exceeded OMB projections each of the three years was that Congress spent more, not that OMB was too rosy in its economic forecasts.

***P.R.:* Is there a disproportionate emphasis in the press on the trade deficit?**

Miller: I think there is. One of the biggest errors is the allegation that we are a debtor nation. The data that are used to make that point are based on historical prices, but the proper way to look at this is to compare market values of American-owned assets overseas with foreign-owned assets here. When you do that, it's obvious we still own more of them than they own of us.

***P.R.:* Is there a bias toward tax increases instead of spending cuts in press coverage of the deficit?**

Miller: There is a preoccupation with the tax side. We've just had an election where a major difference, if not the major difference, between the two candidates was that one said he would not raise taxes under any circumstances, and the other said that he would do it only as a last resort. In my judgment, when a politician says he'll do something as a last resort, he's already committed to doing it. Yet, after this election, the media has concentrated almost wholly on what kind of taxes will be increased, not whether there would be a tax increase. Citizens for a Sound Economy has just released a Roper Poll showing that by a 3-to-1 ratio, people tend to blame the deficit on Congress, not on the president; by 6-to-1, they think the reason for the deficit is too much spending, not insufficient tax revenue; and by an astounding 15-to-1, they want to reduce the deficit by controlling spending, not raising taxes. Yet the preoccupation in the media is with how to raise taxes rather than how to control spending.

Certainly there is a bias in Congress toward increased taxes and spending. One of my most vivid recollections of those budget summit sessions was that after all the staff were dismissed and the doors were closed, with only a few exceptions the congressmen talked broadly and with great exuberance about the need to raise taxes, and how that basically would solve all their problems. Of course, it would. All they needed was somebody to blame for the tax increase. The key to success for members of Congress is to take credit for spending increases that aid constituents but to blame tax increases on somebody else.

***P.R.:* During your years at OMB, which congressional budgetary actions did you find most hypocritical, and which ones most responsible?**

Miller: I would call the passage of Gramm-Rudman-Hollings a responsible act. The passage of separate appropriations bills for fiscal year 1989, even at the absolute 11th hour and 59th minute, was a responsible act.

The most hypocritical event surrounding the budget probably came when President Reagan, during his State

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of the Union message in January 1988, held up the enormous continuing resolution and the enormous reconciliation act for that fiscal year, and said, "If you send me another one of these, I will not sign it." Then he got a standing ovation from the very people who had sent it to him!

The second most hypocritical act was the passage of these enormous bills by members of Congress, while representing to the entire world that they knew what they were doing. In fact, I suggested to the president that he add to his speech the following line: "Will any of you members of Congress who actually read either of these bills, please stand."

If there were any honesty in the hall that evening, no more than one or two would have stood. The fact of the matter is that the congressmen who passed these bills had not more than the slightest idea what was in them. I know I did not read even one of the bills thoroughly, because we got one at 2:00 A.M. and one at 5:00 A.M., and the president had to decide whether to sign them by 2:00 P.M. the next day. At noon I met with some of the 300 people from OMB who had pored through these bills all night and the next morning. They didn't have time to study the documents thoroughly, just to look for killer provisions, budget items that were terribly out of whack. And then at 1:00 P.M. I met with the president to explain to him what was in them.

***P.R.:* Have your views of what government should and shouldn't do changed much as a result of your eight years with the Reagan administration?**

Miller: No, my views haven't changed much, perhaps because I've been an observer for some time, and perhaps because I came through the public choice tradition, which tries to explain government behavior and how changes in the institutions affect that behavior. I still think that government does some things well and a lot of things very poorly, that government is too large, and that there are biases toward deficit finance and larger government that need to be remedied with institutional restraints. I do come out with greater affection and respect for the people who work in the federal government. And, because I've learned to appreciate even more the effects of incentives on the behavior of people in government, I suppose I'm more optimistic about the prospects for improving their performance in the public interest.

***P.R.:* How did your budgetary strategy and analysis differ from David Stockman's?**

Miller: Stockman and I were at OMB at different times. He had some problems and opportunities that I didn't, and I had some problems and opportunities that he didn't. But the basic difference is that Stockman at the beginning of the administration was very optimistic about reducing the size and scope of government and by the time he left he was very pessimistic. He became disillusioned with the budget process and very discouraged about the possibility of our making much progress on the deficit on the spending side, because, despite their rhetoric, members of Congress will vote to satisfy the special interests. He left absolutely convinced it would take a substantial tax increase to reduce the deficit.

I come from the public choice school, which says that if the outcomes of the collective choice processes are not optimal, you don't blame the people, but look at the institutional arrangements and the incentives that affect their behavior. Over and over in his book, Stockman expresses his disappointment in congressmen who made speeches about the need to cut the deficit but then, when the chips were down, made sure they brought the pork back home for their districts. I argued by contrast that the problem is the institutional arrangement. For that reason, I was active early in helping to formulate and then to achieve passage of the Gramm-Rudman-Hollings act. I believe the key is not to plead with members of Congress to restrain spending and reduce the deficit, but to put restraints on spending and deficits into the Constitution—and also, desirably, to give the president, who represents all the people, enhanced rescission authority or the line-item veto to help shape priorities.

Because most bureaucrats genuinely want to serve the public, they can be persuaded by a political appointee with better ideas.

***P.R.:* What advice would you give Richard Darman, based on your accomplishments and mistakes?**

Miller: I would urge him to hang very tough on the no-tax-increase promise. If he believes that a tax increase will lead to deficit reduction, he's wrong.

I would also urge him to do everything he can to improve the credibility of OMB's figures. I did what I could, and it was a major disappointment for me that many people still thought our figures were advanced for political purposes. It's going to take a long time for the institution to recover the credibility it has lost.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Of Conservatives and Kings

The New Monarchism Is an Abdication of Our Principles

Representative Mickey Edwards

In olde England, before the nobles encircled John at Runnymede, a king was, well, a king. He had it all—the troops, the courts, and the purse strings.

Finally, the English had had enough. If a man's home was to be his castle, his property his own, they decided, all of those powers could not continue to reside in a single man. From the Magna Carta on, heirs to the English tradition have recognized that the separation of powers—and a strict limitation on the powers concentrated in the chief executive—were necessary prerequisites to the preservation of personal freedoms.

To a large extent, modern conservatism traces its antecedents to early uprisings against the unquestioned authority of the Crown. Central to the conservative tradition have been such themes as limited government, individual liberty, local control, and decentralization of power.

Unfortunately, many modern conservatives have become New Age monarchists, advocating ever greater concentrations of power in a new king-like president. Driven by frustration over the inability of conservatives to seize control of the Congress—a frustration better dealt with by recruiting better candidates, reaching out to nontraditional Republican voters, and encouraging candidates to do a better job of addressing local concerns—many conservatives have abandoned their traditional resistance to centralization and replaced liberals as champions of the royal prerogative.

In Locke's Steps

The Founding Fathers were familiar with the argument advanced by many of today's conservatives that the common good would be better served if only the chief executive had a bit more power. One of the early champions of individual liberty, Thomas Hobbes, had argued forcefully that freedoms could best be protected by concentrating power in the hands of a single powerful leader. But as Professor James Ceaser has observed, "The frightful paradox created by this solution was that the sovereign's power was so great that it jeopardized the very rights that government was intended to protect in the first place."

The Framers of the Constitution chose to follow Locke and Montesquieu, two ardent advocates of separated powers. "When the legislative and executive powers are united in the same person, or in the same body of magistrates," Montesquieu wrote in his *Spirit of the Laws,* "there can be no liberty." The Founding Fathers agreed, and even went so far as to make the national legislature, not the president, the holder of the greater power.

That America's creators feared the concentration of power in a single executive, and had long viewed the legislative role as preeminent, is well recognized. Reporting on the American political experiment, Tocqueville wrote that, in contrast with the king of France, the American president was "the executor of the laws, but he has no real power in making them....Thus he is not part of the sovereign power, but its agent only....Besides the legislature, the president is an inferior and dependent power."

The Founding Fathers clearly did not intend a weak and ineffective presidency. Acts of disorder under the Articles of Confederation—particularly Massachusetts' difficulty in controlling Shays' rebellion, a debtors' revolt in 1786— convinced many delegates to the Constitutional Convention that such situations simply could not be dealt with effectively without a greater executive power. One delegate, James Wilson, eloquently called for a "vigorous executive" who would act with "energy, dispatch, and responsibility."

Clearly the drafting of the new constitution was a move toward a stronger chief executive. But how strong? On that, too, the record is reasonably clear. The Constitution limited the power of the president to specific, well-defined responsibilities (for example, serving as commander-in-chief of the armed forces) and to a forceful implementation of the legislature's enactments. The convention delegates hesitated even to concentrate the limited powers of the presidency in a single man. More than one-fourth argued for dividing presidential powers

MICKEY EDWARDS *is serving his seventh term as a member of Congress from Oklahoma and chairs the House Republican Policy Committee. He was a founding trustee of The Heritage Foundation and was for five years the national chairman of the American Conservative Union.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

among members of an executive council. In short, the Founders wanted an executive stronger than the ineffectual governors of the colonies, but neither superior to—nor even equal to—the national legislature. Despite the fears and the warnings and the hesitations of the Framers, the powers of the presidency have clearly grown stronger over the years. Presidents today draft proposed federal budgets (by virtue of a delegation of congressional power); focus public attention on issues through speeches seen and heard by millions of people; use their broad authority within the law to exercise control over the administration of hundreds of federal programs; and back up their vetoes with far-reaching public appeals.

Stephen Hess has described the modern American president as "commander-in-chief, primary proposer of legislation and chief lobbyist, top executive in the executive branch, guardian of the economy, negotiator with other nations, head of state, party leader, and moral leader."

All of this is within the proper bounds of the constitutional exercise of presidential power. But the power of the presidency should not exceed the language and the intent of the Constitution. A strong, vigorous, energetic president was part of the constitutional framework; a dominant president was not. To quote Professor Louis Henkin: "that office [the presidency] had no model....Its powers were to be significant yet circumscribed...the Framers were determined not to make the president [an] elected facsimile of the king of England."

The Founders feared a weak and ineffectual central government. They feared more, however, the concentration of power in a single man. They mixed and blended powers, but were careful not to allow too great an accumulation in one place. They exhibited a healthy and wise caution. Conservatives need to remember that the powers we would give to a Ronald Reagan or a George Bush will someday be used by a Walter Mondale or a Michael Dukakis. We would do well to heed the warning of John Locke: "the reigns of good princes have always been most dangerous to the liberties of their people" because "their successors, managing the government with different thoughts, would draw the actions of those good rulers into precedent."

No Presidential Right to Strike

Ironically, the Congress has become a focal point for conservative acquiescence to the centralized power of the chief executive. To a large extent, the president's agenda is the agenda of his party in the House, and many of its members see as their principal responsibility the enactment of the president's program. So pervasive has the presidential presence become that at the end of the 100th Congress a number of junior Republicans demanded to know of candidates for party leadership positions whether they would represent the views of Republican members of Congress or those of the White House.

The debate over presidential power has centered recently on two major issues before the Congress—spending levels and foreign policy. In both cases, conservatives have begun to come down firmly on the side of increased power for the president and a reduced role for the Congress. In both, conservatives have begun to abandon clear and long-held principles that are essential to the long-term preservation of freedom.

The Bettmann Archive

From the Magna Carta on, conservatives have believed that a strict limitation on the powers of the chief executive is a necessary prerequisite to the preservation of personal freedoms.

In January 1984, the Cabinet Council on Economic Affairs, chaired by Treasury Secretary Donald Regan, sent to President Reagan a six-page memorandum outlining steps the president could take to work for increased presidential power in federal spending decisions. From that point, the campaign for a line-item veto has been intense and persistent. Republicans, frustrated by their inability to control the Congress, have concluded that if only the president had the power to make those decisions himself, conservative priorities would prevail.

The power of striking specific projects, however, while perhaps desirable in a Reagan or Bush presidency, would ultimately have to pass, with other presidential powers, to any liberal who might win the White House. The very power cherished by conservatives who want to strike a housing program might later be used to kill the B-2 bomber, or the Strategic Defense Initiative, the president needing only one-third of either House to begin eliminating programs and systems conservatives strongly support.

Most important, the line-item veto would radically change our system of government. "At the heart of the political process," wrote James J. Kilpatrick, "lies the delegation, the exercise and the restraint of power. We have lived 200 years with the present system by which powers are divided more or less precisely among the three

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

branches. To grant the line item veto would tilt the balance by giving presidents more power than presidents ought to have."

Power of the Purse

The Founding Fathers were ambiguous in some areas, but not in the question of who would control the federal purse. The very first sentence in the Constitution (Article I, Section 1) grants all legislative power—with no exceptions—to the Congress.

The assertion of legislative control over the governmental purse was long-standing. In the 1600s England's House of Commons was passing money bills that the king was forbidden to amend. In the colonies, as early as 1694 the lower house of the Pennsylvania legislature was asserting its right to control disbursements. During the American Revolution, the supremacy of the lower houses in fiscal matters was codified in several state constitutions. As Paul R. Q. Wolfson wrote in the *Yale Law Journal*, "This conviction that the peoples' direct representatives should control the purse had become so strong by the time of the Constitutional Convention that the delegates considered depriving the Senate of the right to amend tax or appropriation bills."

The answer to liberal domination of the appropriations process is not the line-item veto but the election of more conservatives to Congress.

Some argue that even if it was the intention of the Founders to grant preeminence to the Congress in money matters, that was before the days of omnibus spending bills and "riders," which have now changed the rules of the game and deprived the president of the ability to use powers that are rightfully his. However, both omnibus appropriations and non-germane riders were common nearly 300 years ago and were well known to the nation's Founding Fathers.

The grant of the spending power to the Congress and the restriction on the powers of the presidency were well-informed and deliberate decisions. The Founders were greatly concerned about the potential dangers of executive power. Charles C. Thach, in *Creation of the Presidency, 1775-1789*, observed that seven of the eight states that adopted constitutions between 1776 and 1778 "included almost every conceivable provision for reducing the executive to a position of complete subordination."

The Founders considered whether to give the president an absolute veto. Not a single state voted "aye." It was only on a close vote that the president was given any veto power at all—and that was given primarily to protect the president against congressional intrusion into his executive responsibility. Even that veto was subject to override by the Congress.

The governors of 43 states have exercised line-item-veto power—but states are not "little federal governments." In none are matters as critical as defense and foreign policy the subject of legislative appropriation (or executive veto), and in none is the potential danger of concentrated power as great as in the presidency.

Even in the absence of a line-item veto, the president wields major influence over federal spending. Most presidential vetoes are sustained under the current system, with the Congress often responding by striking out of an appropriation those items that the president singles out as objectionable. Presidents can even veto Continuing Resolutions (those infamous omnibus spending bills), and President Reagan did.

President Reagan was the most vocal recent advocate of a line-item veto, yet he did not use the veto power he already had as frequently as other recent presidents who have had to deal with a Congress in the hands of the opposition party. (Reagan vetoed 78 bills in eight years. By contrast, President Eisenhower vetoed 181 bills in his eight years as president, and Gerald Ford used the veto 66 times in less than one-third that time.)

The call for a line-item veto became a convenient shorthand means of blaming congressional Democrats (correctly, I believe) for excessive federal spending and resultant budget deficits. But campaigns take on a life of their own. Now President Bush is calling for this new power, and it has become a standard part of Republican stump speeches. Conservatives have embraced new and expanded presidential powers never envisioned by the nation's Founders, who so carefully set strict boundaries on the reach of presidential authority.

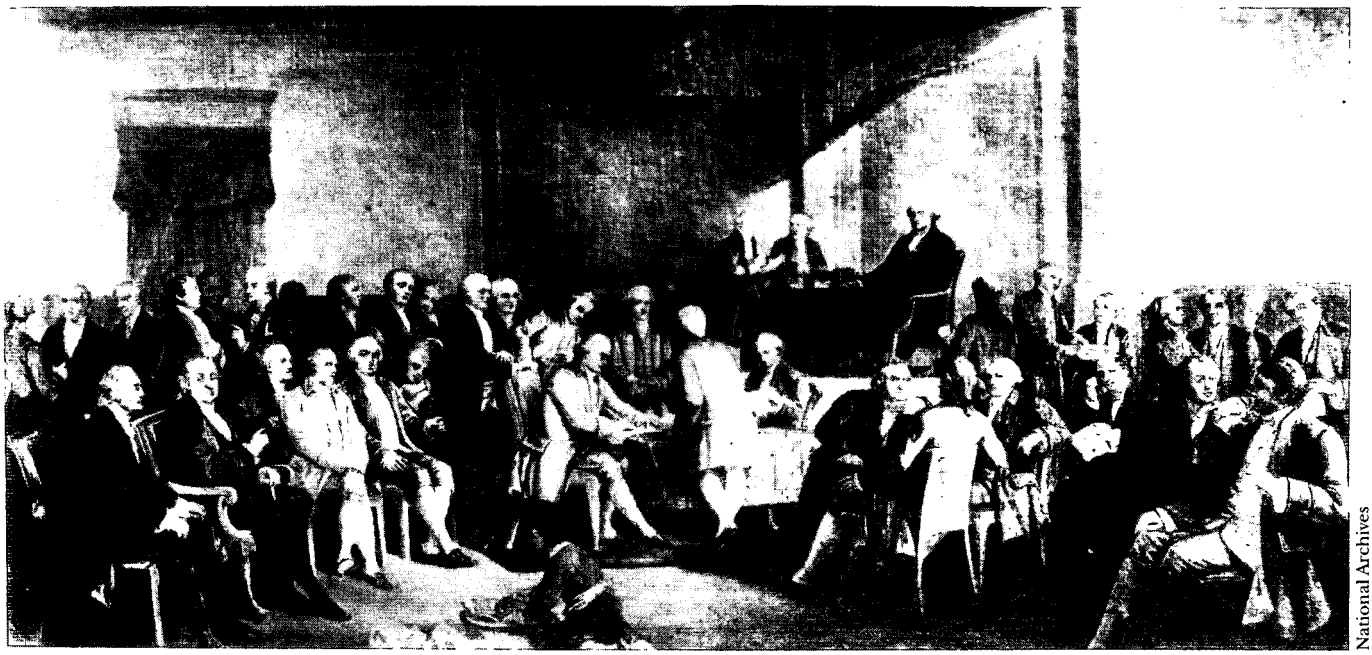
The answer to the problem of liberal domination of the appropriations process is to improve the abilities of conservatives to win elections at the local level. It will not be an easy task (as it was not easy to again win the White House after Presidents Roosevelt and Truman had held it for 20 years), but it is preferable to changing the system of government that for 200 years has kept us among the freest people in the world.

Congress's Role in Foreign Policy

In a reversal of long-held conservative positions, today's conservatives have begun to assign preeminence to the executive in matters of foreign policy as well. It has become the common wisdom in conservative circles that the making of foreign policy is clearly—and constitutionally—within the province of the president. This belief, frequently asserted by the president (no matter who is president) and his supporters in Congress, leads to the inevitable conclusion that when the Congress injects itself into the foreign policy debate it intrudes on presidential prerogatives.

This idea was clearly a factor in the public support for Oliver North even after he admitted that he had lied to the Congress. Simply put, many citizens thought the Congress had no business interfering in Col. North's (that is, President Reagan's) pursuit of his foreign policy

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



National Archives

The Framers of the Constitution did not intend a weak and ineffective presidency. But they did limit the powers of the president to specific, well-defined responsibilities.

objectives. Ironically, to defend Col. North's actions on such grounds requires one to conclude that President Reagan is lying when he denies that he authorized North's activities. If Reagan is telling the truth, then conservatives are defending not the president's right to conduct foreign policy, but the right of unelected bureaucrats to act on their own, in defiance of the Congress and without the knowledge of their superiors—an even greater departure from conservative tradition.

It is both factually and historically inaccurate to assign singular authority in foreign policy to the presidency. And, like the line-item veto, it is a power that, once granted, will remain with the office no matter who holds it.

It was as a conservative that, in my early days in the Congress, I actively opposed the Panama Canal treaty and went to court with a lawsuit (*Edwards* v. *Carter*) to prevent a president from transferring American property without a vote of the House. Conservatives fought vigorously against the strategic arms limitation treaties that were then being proposed. If we now accept that presidents are to determine the foreign policy of the United States, and that members of Congress have no authority to interfere with the presidential prerogative, we lose the basis of our authority to challenge future Panama Canal treaties, future SALT treaties, future commitments to the World Bank, the United Nations, and the International Monetary Fund.

Many conservatives seem to have forgotten that there was a period before Ronald Reagan, and that Democrats controlled the White House for 32 of the 48 years leading up to Reagan's election—years during which conservatives fought to block treaties, protested a president's decision to break normal diplomatic relations with the Chinese who had fled to Taiwan to escape a Communist dictatorship, and campaigned for the Bricker Amendment.

The Bricker Amendment, in fact, is a stark example of the change in the conservative view of presidential powers in dealing with foreign policy. Under the Constitution, treaties, like statutes, are the law of the land. But in 1951, following nearly 20 years of Democratic control of the presidency, Republican Senator John Bricker of Ohio, along with 60 other senators, proposed a constitutional amendment providing that no treaty—nor any executive agreement by the president—would be binding as U.S. law without an act of Congress. In conventions across the country, conservatives passed resolutions calling for adoption of the Bricker Amendment. In 1978, with Jimmy Carter in the White House, Republican Congressman John Ashbrook, a former national chairman of the American Conservative Union, introduced a similar resolution. Clearly, conservatives familiar with the potential dangers of a Democratic presidency were interested in constraining, not expanding, presidential power.

Mixing and Blending of War Powers

The foreign affairs debate is fought on a marshy playing field with poorly sketched boundaries and few rules, but at least two things are reasonably clear: In time of war, the president is the commander-in-chief of the armed forces. And it is the Congress which determines when there will be a war.

Beyond that the matter is less certain. While the Constitution gave few substantive powers to the president in international affairs, it left many matters unresolved. For 200 years, presidents have from time to time interpreted these unresolved questions in ways that have allowed the executive to accumulate very real prerogatives. President Washington, still shaping his new office, expelled the French ambassador to the new American republic and negotiated U.S. neutrality in the wars between England and France. President Roosevelt determined that we were at war with Japan and President Truman determined to

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

fight in Korea. President Reagan sent troops to Grenada and to Lebanon and sent the fleet to the Persian Gulf. When a president has initiated such actions, Congress has generally either ratified the decisions after the fact or acceded to them without contest.

Although there are areas in which the Constitution draws distinct boundaries between the authority of one branch and the others (for example, all spending decisions are clearly within the realm of the legislative branch), there are other areas in which the Constitution provides for a mixing and blending of powers instead of strict separation. The goal was to have enough tension, enough friction, to prevent encroachments on the liberties of the people. But it was not the intention of the Framers to paralyze the government and make it unable to function.

The war power is solely in the hands of the Congress. On the other hand, previous Congresses have given the president a significant amount of discretion.

The War Powers Act is a good example of the problems inherent in trying to sort through the contradictions. There is no question that the war power is solely in the hands of the Congress. The Framers neither gave, nor intended to imply, any power over war and peace in the office of the president. If the United States is to enter combat, under the Constitution the decision to do so is entirely beyond the range of presidential decision-making. On the other hand, previous Congresses have been inclined to give the president a significant amount of discretion in this area, reserving the right to intervene if necessary. And nothing in the Constitution requires the president to notify all 535 members of Congress (rather than a few designated representatives) every time he wants to move troops into an area of potential danger. The broad wording of the duty under the War Powers Act to notify Congress endangers the ability of the president to maintain the secrecy that is sometimes necessary to the success of a vital military mission. The wording of the act is also frequently unclear—the term "hostilities" is not defined, for example—thus inviting conflict rather than clarifying the boundaries of decision-making.

The president has substantial foreign policy responsibilities, but he does not have the final word on spending decisions nor does he have the authority to decide on his own to go to war. Nor should he have. Those who would delegate all such power—the power of life and death for the nation's citizens—to a single man, have no constitutional basis for such a position. But neither is there a sound basis for so restricting the president that in matters of national security he is unable to act at all.

Jefferson's Dog

The conservative defense of presidential foreign policy prerogatives might be less disturbing if it were limited to criticism of the War Powers Act or micromanagement by the Congress of diplomacy and deployment. Unfortunately, many congressional conservatives protest legislative "meddling" when members of Congress attempt to set policy on arms control or the sale of American weapons to foreign governments, areas of decision-making that are well within the purview of congressional policy-making responsibility.

Alexander Hamilton made clear in *The Federalist,* Number 75, that the Framers never intended to put at the sole disposal of the chief executive "interests of so delicate and momentous a kind which concern the intercourse with the rest of the world." Thomas Jefferson made it equally clear that the Founders had no intention of granting the war power to the president. Jefferson wrote: "We have already given one effectual check to the dog of war, by transferring the power of declaring war from the executive to the legislative body, from those who are to spend to those who are to pay." The Founders did not intend to place with the Congress only the technical power of formal declarations, but the real power of determining whether, in fact, American troops would go into combat.

The claim of the legislative branch to a role in the making of foreign policy was well known to the nation's founders. As early as 1621, England's House of Commons had demanded the right to involve itself in foreign affairs. By 1654 the Parliament had adopted a resolution declaring that the war power was not the sole prerogative of the chief executive but was shared by the legislative branch as well.

It was this claim that the Founding Fathers took up, breathing life into it by writing a Constitution in which more specific powers are granted to the Congress in the field of foreign policy than are granted to the president. Arthur Bestor, writing in the *Seton Hall Law Review,* observed that it was in the area of foreign policy that the break between the framers of the Constitution and the English precedents was most clear.

Of *Blackstone's* Commentaries, Bestor wrote:

> The entire range of powers relating to war and peace, to diplomacy and the making of amenities, and to military command is treated within the confines of a single chapter, 'Of the King's Prerogative'....In the American constitution, by contrast, the vast aggregate of powers connected with foreign affairs is broken down into its constituent parts, and the fragments deliberately placed in separate hands....A system of checks and balances is thus prescribed as explicitly for the conduct of foreign relations as for the handling of domestic matters.

Sensing the danger that could result were any branch of government allowed to accumulate all the powers relating to war and peace, the American Framers

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

proposed to prevent it by the same means they were using to prevent a possible monopoly of domestic powers. In fact, powers that belonged to the king—raising fleets and armies, declaring war, issuing letters of reprisal—were specifically vested not in the president, but in the Congress.

Constraints on Commander-in-Chief

Martin Anderson, one of President Reagan's principal policy advisors, made the same point in his book *Revolution.* Describing the battle between the president and the Congress over the Boland Amendment, which prohibited military aid to the Nicaraguan Contras, Anderson writes:

> Some have argued that the Boland Amendment is unconstitutional, that it...restricts the power of the president to conduct foreign policy. That is part of an old and enduring argument in the United States about the relative powers of the president and Congress in the conduct of foreign affairs. The basic argument is that the president has special prerogatives in the making of foreign policy, that he should not be unduly restrained by Congress, if at all, and that the Constitution gives him these powers. Whenever there are arguments about what the Constitution of the United States means, it is often helpful to read it.

Anderson then lists those powers that the Constitution gave not to the president, but to Congress, including the regulation of international commerce, the power to declare war, the raising and supporting of armies and navies (and setting the rules for their regulation), ratification of treaties, power to call forth the militia, veto power over the naming of ambassadors, and control of all appropriations. "Rather than giving the president special prerogatives in the foreign policy arena," he concludes, "the Constitution does just the opposite. It hands the real reins of power—armies and money—to the Congress....The enormous military power of the United States...has never been entrusted to the whims of any president, no matter how beloved or trusted."

Abraham Sofaer, later a top official in the Reagan State Department, agrees in his book *Foreign Affairs and Constitutional Power: The Origins* that the decision by the Constitution's authors to grant the president a special power to repel sudden attacks "suggests that the general power over war was left in the legislative branch."

Those who would assume presidential preeminence in the field of foreign affairs often base their conclusion on the assignment to the executive of the role of "commander-in-chief." That assumption, however, ignores the history of the constitutional period. During the early days of the Revolutionary War, the American military effort suffered from the inability of the Continental Congress to adequately direct troops in combat. Mindful of that painful early lesson, the Founders determined that in future military conflicts, there would be a clearly authorized commander rather than an attempt to do battle under the direction of a committee. But the Congress was to determine when, and if, American troops would go into battle.

The Bettmann Archive

Tocqueville: "Besides the legislature, the president is an inferior and dependent power."

But if the Founders placed decisions of war and peace in the hands of the Congress, they did not mean to create an executive eunuch in the important realm of foreign affairs. Every day, the president's men and women—his ambassadors and diplomats and staff assistants—are engaged in a continuous process of interaction with the governments of scores of nations. They speak for the United States at the United Nations and work on setting U.N. policies in roles ranging from peacekeeping missions to feeding children. They discuss with the USSR the Soviet presence in Afghanistan and the Cuban presence in Angola, and, less successfully, Sandinista repression in Central America. They structure arms control agreements, enlist the support of allies in the struggle against international terrorism, and negotiate treaties to govern the use of the seas. Presidents move troops both to strengthen America's defenses and send important signals both to friends and potential adversaries. The president can end normal diplomatic relations with Taiwan and establish them with the People's Republic of China and the Soviet Union. He speaks for the United States (John Marshall, speaking not as a Chief Justice but as a member of the House of Representatives, declared that the president was the "sole organ of the nation in its external relations, and its sole representative with foreign nations" but did not claim the president was to determine on his own what policies were to be proclaimed). Even when there is doubt as to who claims the greater authority, in the greater number of instances the Con-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

gress permits the president to act without interference—as has happened recently in Lebanon, Grenada, and the Persian Gulf.

Clearly, presidents are substantial players in the international arena. But they are not—nor were they intended to be—the sole players. Foreign policy is an arena in which the powers and responsibilities of the Congress and the executive share a poorly defined playing field, each with important roles to play.

Yearning for Strongmen

Frustrated over repeated defeats in the House and Senate, conservatives have turned to that branch of government they control—the executive—and have proposed to yield important concentrations of power in the hope that something good will happen. It is a dangerous gamble.

In his book *Taking the Constitution Seriously*, Walter Berns wrote that the American people "respect constitutionality—which is to say the distinction between what is politically desired and constitutionally permitted." It's an important distinction. It is not enough just to ask what kind of government, or what kind of society, we want; it's also important to ask, as the Founding Fathers did, what kind of government we do not want; what kind of government we fear and want to prevent.

We as conservatives, at least in my formative years, opposed the centralization of government. We were diffusionists. We believed our freedoms were best protected if power was not centralized—not centralized in one government, one city, one man. Like the Founding Fathers, we believed that the separation of powers and the balance of powers were the greatest protectors of our freedoms.

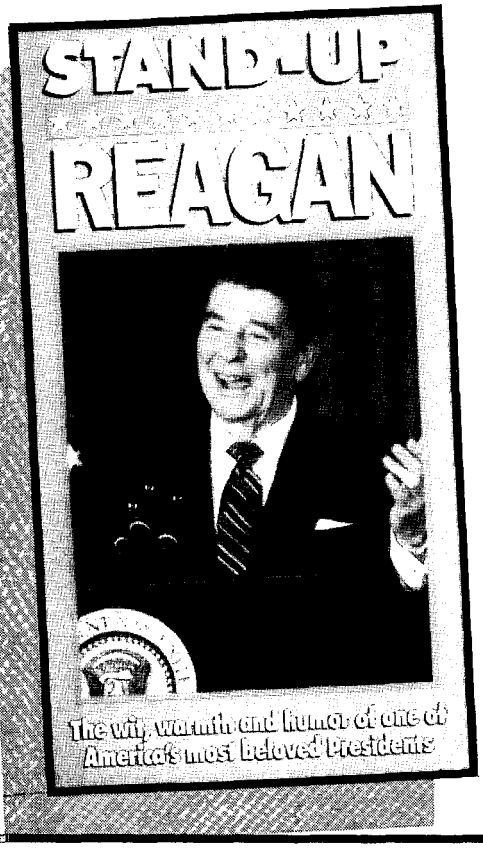
The Founding Fathers had legitimate reason to fear the concentration of powers in a single man. If conservatives now turn their backs on these principles of separated and balanced powers, if we conservatives join our liberal opponents in advocating centralized power, who then will be left to champion the cause of limited and decentralized government?

Conservatism is not the philosophy of kings and great concentrations of power; it is the philosophy of the barricades and the continuing struggle for limited and contained government, strong enough and free enough to act when necessary for the public good, but only by the consent of the governed. There is a royalist impulse in our ranks, made stronger by despair. It is a danger that faces every free people: in times of crisis the cries will arise for a strongman. Yet faced with the greatest crisis of all—survival—the men who founded this nation 200 years ago understood that the way to survive as a free people was not by concentrating power but by constraining it.

We who were the Jeffersonians and Madisonians of the 20th century are rapidly becoming the Hamiltonians, advocating new centralization of governmental power. In seeking greater efficiency, we risk sacrificing the unique nature of a government that has kept us free for more than 200 years.

Edmund Burke once wrote: "It is with infinite caution that any man ought to venture upon pulling down an edifice which has answered in any tolerable degree for ages the common purposes of society." It is a warning worth remembering. ☎

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



VIDEO COLLECTABLE

THE REAGAN EVERYONE LOVES.

From his very first day in office, Ronald Reagan has endeared himself to millions of Americans with his affable, fun-loving personality. Now, for the first time, his best stories and most amusing anecdotes are combined on one delightfully entertaining, collectable video—*Stand-Up Reagan.*

You'll see him joke with Congress, take good-natured potshots at the press, and spin witty stories with the legendary master's touch. You'll even see him enlist Nancy as his partner in mischief! You'll laugh. You'll be moved. You'll remember.

You can get *Stand-Up Reagan* for the low price of just $19.95 plus $4.00 shipping and handling through this special mail-order offer!

FOR SPEEDY SERVICE, CALL TOLL-FREE 24 HOURS

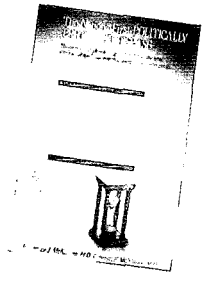
(800) 441-1717

To order by mail, send a check or money order for $19.95 plus $4.00 shipping and handling per video (CA residents add $1.30 sales tax) to:

STAND-UP REAGAN
P.O. Box 708, Dept. P
Northbrook, IL 60065

Checks/money orders must be drawn on a U.S. bank. Please allow 4-6 weeks for delivery. Available in VHS only. Sorry, no CODs.

Shattering the Hypocrisy of Current AIDS Policy



A startling, comprehensive disclosure of the true medical, legal and political facts surrounding AIDS and the manipulation of public health policy.

Read the book that has already enlightened over 40,000 Americans!

"Drs. McNamee present a brilliant up-to-date analysis. . .a chance for the public to know the full facts in all their stark implications. . .incisive and powerful."

Wm. E. Stanmeyer, former Professor of Constitutional Law, Georgetown University; Dir. Lincoln Ctr. for Legal Studies

"The fact that many of our public health officials have avoided traditional measures to control the AIDS epidemic has made this fatal virus infection a dominant political issue of our time. Drs. Larry and Brian McNamee explain in lucid detail knowledge about this disease which every American needs to know from a medical as well as a political standpoint. **It is must reading.**"

William E. Dannemeyer, Member of U.S. Congress

"The AIDS infected person has undergone a permanent alteration of his **genetic code** which is incompatible with survival. Our present public health policy decrees testing and reporting only for non-fatal or curable venereal diseases but not the **incurable and inevitably fatal AIDS** infection. . .Self-interest groups, as exemplified by the gay leadership, have influenced public health officials to confer on AIDS and its infectious carriers a special legal status to the exclusion of legitimate health interests of society at large."

The Authors

☐ Please send me _____ copies of **"AIDS The Nation's First POLITICALLY PROTECTED Disease"** by Drs. McNamee for only **$10.95**.

☐ My check or money order is enclosed.

OR CALL TOLL FREE:
1-800-544-1312
(in Calif.):
(213) 694-1124

Discounts available for groups.

Send your order to:
National Medical Legal Publishing House
P.O. Box 342, La Habra, California 90633-0342

Name (print) _____

Street _____

City _____

State/Zip _____

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Affirmative Inaction

The Brock-Meese Standoff on Federal Racial Quotas

Gary L. McDowell

Ronald Reagan pledged to eliminate racial quotas when he ran for the presidency in 1980. The Republican Party platform unambiguously criticized "bureaucratic regulations which rely on quotas, ratios, and numerical requirements to exclude some individuals in favor of others." The party's candidate was even more forceful. "We must not allow," Ronald Reagan said, the "noble concept of equal opportunity to be distorted into federal guidelines or quotas which require race, ethnicity, or sex—rather than ability and qualifications—to be the principal factor in hiring or education."

The 1984 campaign saw no change in the president's commitment to nondiscrimination. "I do not believe," Reagan reiterated, "that you can remedy discrimination by discriminating—and I remain unalterably opposed to discrimination by quota, an idea that would undermine the very concept of equality itself." President Reagan also appointed to both of his administrations some of the best-known advocates of the argument that race-conscious remedies such as quotas, goals, set-asides, and timetables are inconsistent with the Equal Protection Clause of the Fourteenth Amendment, with the civil-rights statutes prohibiting racial discrimination, and with the most durable principles of the civil-rights movement itself. In particular, the Civil Rights Division of the Justice Department under both Attorneys General William French Smith and Edwin Meese III was charged with a litigation strategy intended to advance in the courts the principle of nondiscrimination in municipal employment and contracting practices.

Court Victory, Cabinet Stalemate

The litigation strategy was strikingly successful. In 1985 the Supreme Court held in *Memphis Firefighters* v. *Stotts* that the only allowable race-conscious remedy under Title VII of the Civil Rights Act would be "make-whole" relief to those who had actually suffered discrimination. In 1986, in *Wygant* v. *Jackson Board of Education*, the Court struck down a collective bargaining agreement whereby nonminority teachers with greater seniority would be laid off first in the event of cutbacks. But the ultimate vindication of the president's views came in January 1989 when the Supreme Court invalidated Richmond, Virginia's 30 percent set-aside scheme for minority contractors, which had been established without any finding of prior discrimination to be remedied. To the nondiscrimination advocates in the Justice Department, *City of Richmond* v. *J. A. Croson Co.* marked a particularly sweet victory. A former aide in the Civil Rights Division, J. Harvie Wilkinson III, had written the Fourth Circuit Court of Appeals opinion on *Croson* that the Supreme Court upheld.

It is therefore ironic that President Reagan left intact a federal policy of racial quotas. Under guidelines developed pursuant to Executive Order No. 11246, the Labor Department during the 1970s had implemented a policy of racially defined quotas for contractors seeking to do business with the federal government. With a stroke of his pen, President Reagan could have eliminated or significantly revised the executive order. But a standoff within the administration in 1985 and 1986 prevented a decision on the executive order from being reached by a president who sought Cabinet support before moving on most policy issues.

Attorney General Meese was the most active Cabinet proponent of revising the order to explicitly prohibit racial preferences. Secretary of Labor William Brock was the most active opponent, and his position prevailed—for a reason that to some will be surprising. Executive Order No. 11246 is still on the books, largely because Attorney General Meese decided not to push a very controversial issue through a sharply divided Cabinet. Long viewed from the outside as the most unyielding conservative in the Reagan ranks, Meese was ultimately convinced by the arguments of Secretary Brock that revising the executive order was not the right issue at the right time. It was a political judgment few on either side of the debate expected.

Long before the civil-rights movement of the 1960s, the federal government had tried to rid itself of racial discrimination through a series of executive orders. The first, issued in 1941 by President Franklin D. Roosevelt,

Gary L. McDowell is *vice president for legal and public affairs at the National Legal Center for the Public Interest. From 1985-1987 he served as chief speech writer for Attorney General Edwin Meese III.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

prohibited discrimination in defense industries. Both Presidents Truman and Eisenhower issued executive orders further banning discrimination by those doing business with the government. By the time John Kennedy employed the device in his Executive Order No. 10925 in 1961, it was hardly a new or controversial tool.

What distinguished Kennedy's executive order, however, was the use of the term "affirmative action." Contractors were now obligated not simply to not discriminate but to take affirmative steps to recruit workers on a nondiscriminatory basis. What "affirmative action" meant precisely was anybody's guess, although the underlying sentiment was clear enough. It was not enough to knock down barriers; there had to be an effort to draw previously excluded minorities into the work force and hence more securely into American society. To recruit widely, to train workers who lacked experience but showed promise, to get rid of racial bias in job testing, were all examples of acting affirmatively.

Nixon's Preferential Treatment

By 1965, that premise of seeking equality of opportunity was already beginning to expand. President Johnson, in a commencement address to Howard University, sounded the call for what affirmative action was to become. "We seek not just freedom," he announced, "but opportunity—not just legal equity...but equality as a fact and a result." In order to put his theory clearly into practice, Johnson issued Executive Order No. 11246. Again, the call was for "affirmative action"; and again the phrase was left to be defined down in the bureaucratic labyrinths.

Ironically, the Nixon administration gave the executive order its explicitly racially preferential twist. Troubled by the inherent vagueness of the executive order and its adverse impact on the bidding process by government contractors, the Nixon Labor Department sought to give the policy more concrete contours by specifying standards. Nixon appointee Laurence Silberman, later named by President Reagan to the D.C. Circuit Court of Appeals, drafted the Philadelphia Plan requiring construction contractors in the City of Brotherly Love to hire minorities according to numerical goals predetermined by the Labor Department's Office of Federal Contract Compliance Programs (OFCCP). The Labor Department had great confidence in its new measure and, as Silberman put it, "spread construction plans across the country like Johnny Appleseed."

The Nixon people were comfortable with "goals," while they deemed "quotas" to be unconstitutional and hence unacceptable. However, as Silberman ruefully acknowledged later, the "distinction between goals and quotas...[was] perhaps more metaphysical than real." The original objective of ensuring an equality of opportunity had been transformed by bureaucratic dictate into a new and troubling standard of statistical parity. The noble goal soon degenerated, in practice, into the ignoble quota.

By 1980, as Herman Belz has noted in a Washington Legal Foundation publication, the Office of Federal Contract Compliance Programs had extended the affirmative action obligation to over 325,000 companies. The standard of intent to discriminate had been supplanted by a standard of whether hiring practices had a disparate impact on minorities. Claims to equality of opportunity for individuals had been replaced by group claims to equality of result, allowing remedies to be given to those who had never actually suffered discrimination. Preferential treatment was not meant to remedy specific acts of discrimination; it was a general policy of preference based on race.

With a stroke of his pen, President Reagan could have eliminated or significantly revised an executive order requiring racial quotas for government contractors.

Donovan's Partial Deregulation

Although President Reagan was personally opposed to this tradition of reverse discrimination, by the end of his first year in office his policy on affirmative action was still uncertain. Rather than abolish preferential treatment, the president fiddled with reforming the bureaucratic regulations, which some within his administration argued could be corrected.

The Reagan Labor Department under Secretary Ray Donovan had inherited from the Carter administration an expanded regulatory apparatus to enforce Executive Order No. 11246. By 1980 its Office of Federal Contract Compliance Programs teemed with 1,000 employees and had created nothing short of a bureaucratic jungle of rules and regulations. The core of the regulatory program was a detailed eight-step analysis whereby the employers who were required to adopt affirmative action plans had to determine the degree of their "underutilization" of minorities by comparing their number of minority employees with the number available in the work force.

The new administration's first effort to correct the now institutionalized policy of reverse discrimination was to alter those stifling requirements. Secretary Donovan reduced the eight steps to four. The logic was simple enough: The executive order was not inherently defective; it had simply been abused by bureaucratic design. Donovan and his successor, Brock, argued that the abuses of reverse discrimination could be ended simply by revising the Labor Department's enforcement mechanisms—without a frontal assault on the executive order itself.

Politics of Principle

But there was more to it than bureaucratic efficiency; there was the question of politics. Self-styled pragmatists within the administration saw tampering with any civil-rights measure that had become so accepted a part of the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Edwin Meese was ultimately convinced by William Brock that revising the executive order was not the right issue at the right time.

political landscape as inexpedient; the concrete political costs to the president would far outweigh any abstract benefits of principle. To the strongest critics of quotas, however, the immorality of reverse discrimination had to be righted whatever the political costs. To play politics with so central a principle as equality was itself politically unacceptable. But beyond the argument in behalf of principle, they argued that the political costs would not be as great as their more timid colleagues feared; the colorblind advocates believed that the vast majority of Americans—black and white—were offended by preferential treatment.

For these critics, especially those in the Justice Department, reforming the regulations merely treated symptoms at the expense of curing the cause. The new regulations addressed only a derivative problem—the real flaw was that the original and healthy meaning of affirmative action had been perverted because the principle had not been articulated with sufficient clarity. The administration had to restate the right principle in a clear and forceful way so that the right practice would follow. Allow the wrong principle to subsist beneath the reformed regulations, however, and soon the regulations would degenerate once again.

Brad Reynolds' Rap

The leader of the effort to revise the executive order was the assistant attorney general for the Civil Rights Division, William Bradford Reynolds. Surrounded by a coterie who shared his view that preferential treatment for race or gender—anywhere, any time, and for any reason—was "illegal, unconstitutional, and inherently immoral," Reynolds was zealously committed to the restoration of the nondiscrimination principle as the core meaning of equality.

Reynolds fired the opening volley in a memorandum to Attorney General William French Smith on January 24, 1984. In the memorandum, Reynolds pointed out that "the federal government under this administration has...consistently failed to adhere to the president's principles of color (and gender) blindness." The assistant attorney general then went on to document "the more egregious practices of executive agencies" including those of the OFCCP, which had "refused to delete the offensive 'goals' and 'utilization' requirements from their regulations."

Later, in December 1984, emboldened by both the second-term election mandate and President Reagan's own continuing dedication to the nondiscrimination principle, Reynolds launched a major offensive to revise the executive order. In a December 10 memorandum to Attorney General Smith, Reynolds cited as his authority the president's own view that "it is unjust to limit any individual's chance to fulfill his or her unique potential based on such irrelevant prejudgments as sex, race, [or] national origin," and urged Smith to take action. "With your strong guidance," Reynolds implored,

> we can bring to an end, once and for all, this anomalous—and fundamentally wrong—state of affairs. The Supreme Court's recent decisions can and should be used by you as a catalyst to eliminate the federal government's perpetuation of the same discriminatory programs that we have justly condemned in the courts throughout the country and that action should be taken NOW.

Reynolds offered the attorney general a detailed, point-by-point strategy. To this he appended a draft of a suggested memorandum from the attorney general to the president on "Equal Opportunity Policy," a careful hybrid of legal analysis and political advice; also attached was a suggested draft for a memorandum from the president to the heads of all executive departments and agencies concerning "Federal Equal Opportunity Programs." Not to miss a beat, Reynolds also sent a draft of suggested revisions to Executive Order No. 11246. But, with Smith preparing to leave office, the proposals languished.

By the time Edwin Meese III was securely ensconced in the attorney general's office in spring 1985, the proponents of revision had honed their arguments to a sharp edge. They appealed to Meese. No one doubted that once Meese threw his formidable political clout behind Reynolds' effort the issue would be addressed on a much higher plane.

Those inclined to keep the executive order as it was knew they also had to appeal to Ed Meese if they were to prevail. They conceded the revisionists' main contention: that reverse discrimination generally and quotas in particular were wrong. But that wasn't the issue, they said. The question, they insisted, was whether this proposal, over this issue, at this time would serve or hurt the president. They knew that to sway Meese they had only to make a compelling case that indeed it would hurt President Reagan.

Don Regan's Caution

The 1985 debate over the executive order took place under a new White House chief of staff, Donald Regan, who had good reason to be cautious about changes in civil-rights policy. Early in its first term the administration had entered the case of *Bob Jones University* v. *United States* (1982) and had come away embarrassed. The issue in *Bob Jones* was whether the Internal Revenue Service could, on its own authority, revoke the tax-exempt status of a school

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

because the school discriminated in its admissions policies. Reynolds, along with Attorney General Smith, had convinced then-Secretary of the Treasury Regan to go along in arguing that the real issue in *Bob Jones* was tax policy, not civil rights. The Court rejected the administration's arguments by a margin of eight to one. As a result, as Reynolds has since put it, "*Bob Jones* was Don Regan's tar baby and he was not about to have another such fiasco." As chief of staff in the second term, Regan was determined not to let another volatile issue blow up in his face and embarrass the administration.

Regan's cautious spirit (and no doubt a lurking distrust of Brad Reynolds' judgment after *Bob Jones*) worked very much to the advantage of the opponents of the Meese-Reynolds plan to revise the executive order. Secretary of Labor Brock became the point man in defending the order against major revisions, which he argued were "unnecessary" and "politically crazy." Brock argued that revision would exact a political cost far too high—for the president, for the Republican Party, and, he believed, for the nation. By making it an issue, by getting the story into the newspapers, Brock's people were able to slow the initiative down to a crawl.

Divided Cabinet

At a meeting of the Domestic Policy Council of the Cabinet on October 22, 1985, Brock made his first "public" defense of the executive order. Nearly everyone in the civil-rights industry expected that Meese, who chaired the Cabinet council, would be able to push his revisionist position over Brock's objections. No one counted on Brock's success, especially so early. But Brock presented a solid coalition supporting leaving the order alone and revising the enforcement mechanisms within the Labor Department.

Brock was joined in opposition by Treasury Secretary James Baker, who feared the effect revision might have on George Bush's presidential chances; by Secretary of Transportation Elizabeth Dole, whose husband had presidential ambitions of his own; and by Secretary of State George Shultz, who had been Secretary of Labor when the Nixon administration started affirmative action "goals." Meese was supported by Interior Secretary Donald Hodel, Secretary of Education William J. Bennett (who had co-written a book opposing racial quotas), and Secretary of Energy John Herrington.

This split in the Cabinet became an insurmountable obstacle. Regan would not allow the issue to go to Reagan with a divided Cabinet vote; nor would he allow both Meese and Brock to go to the president and personally plead their causes. Meese, like Reagan himself, was a strong proponent of "Cabinet government" and was not inclined to present the president with any issue over which his Cabinet was deeply divided. Nor would he ever consider abusing his personal friendship with President Reagan by "backdooring" Brock.

As a result, valuable time and scarce political capital were exhausted by a series of at least four meetings between Brock and Meese arranged by Regan, meetings where they could never agree on how a revised executive order should be worded. Meese argued for language explicitly indicating that employers had no legal obligation to use goals or timetables, though they could use voluntary plans if they wished. Brock held firm for no revision at all. In a sense, the die had been cast at that October 22 council meeting. The issue never went to the Cabinet for a vote.

Ed Meese's Pragmatism

Meese was also listening to what Brock had to say. Brock's argument that there was a "need to effectuate change slowly, at the edges, over time," was not, in Meese's view, unreasonable. Given the volatility of the issue and the president's own sensitivity at being unfairly portrayed as insensitive to civil rights, there was more than enough reason to hear Brock out. Although Meese was too savvy to show his hand either to Brock or to his own allies, he was being persuaded.

In a recent interview Meese said that what he found most convincing was Brock's claim that between Ray Donovan and himself the Labor Department had cleaned up its discriminatory act. Not only did Brock "swear up and down" that they were no longer using quotas, but the evidence—primarily complaints to the Justice Department by disgruntled contractors—struck Meese as "fairly old and stale." There had been, in Meese's view, "no more evidence, no recent complaints." The attorney general was willing to grant the Secretary of Labor the benefit of the doubt. Absent any compelling recent evidence, he was inclined to grant Brock's claim that "implementation was the problem," and that the revision of Labor Department enforcement mechanisms, not the symbolic revision of the executive order, was the way to go.

The colorblind advocates believed that the vast majority of Americans—black and white—were offended by preferential treatment.

Meese had long believed that there was a danger in "tilting at windmills without effect." He knew, after a lifetime in politics, how easy it was to let issues get bound in symbolism at the expense of focusing on the practical effects of real issues. In regard to the executive order, Meese was growing more and more convinced that revision for the sake of revision was "not worth the political flak."

Meese's Four Questions

The "political flak" that worried the attorney general was not the electoral problems that changing the executive order might engender either during the 1986 midterm elections or the 1988 presidential race. To Meese, the primary political consideration was how it would affect the Reagan administration. He knew from long and hard experience that a "public perception of being

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

hard experience that a "public perception of being against rights inevitably makes every initiative harder." In the end, his political calculation was four-fold. First, would the revision spur Congress to act in ways far more detrimental to the principle of nondiscrimination? Second, would the move offend some supporters in Congress upon whom the administration would have to depend for its other initiatives? Third, how would it make the president look? And fourth, how would it make the Republican Party look? To allow the "symbol to become more important than actuality," at great political cost, was unacceptable.

Donovan and Brock argued that the abuses of reverse discrimination could be ended simply by revising the Labor Department's enforcement mechanisms—without a frontal assault on the executive order itself.

Undoing reverse discrimination was not the only—not even a primary—goal of the Reagan agenda. In Meese's view, it did not (surely not in 1981 and still not in 1985) rank as high as the budget, tax reform, and strengthening national defense. If so politically volatile an issue would siphon off political support for the president's other goals, it had to be pursued judiciously—if pursued at all.

Reynolds' Counterattack

The revisionists continued to insist that there were two insurmountable objections to the Brock position. First, the best evidence of abuse under the executive order had come to light after Ronald Reagan had entered the White House. Second, and more troubling, the logic of reforming the regulations rested upon maintaining that "metaphysical" distinction between "goals" and "quotas" that Laurence Silberman had confessed a decade before. Revision of the regulations might work a little good in the short run, but as soon as the Reagan people left, it would be reverse discrimination as usual. The nondiscrimination principle had to depend upon something more substantial than personnel.

This was especially true, the revisionists believed, because the business community was divided over the executive order. While the Associated General Contractors and the Chamber of Commerce supported the Reynolds position, the powerful National Association of Manufacturers was lobbying hard on Brock's side. Many large corporations wanted to keep the executive order as a tangible standard in an uncertain courtroom environment; they believed that complying with the *precise* goals and timetables in the order would shield them from private as well as public discrimination lawsuits.

The last-ditch effort to thwart the Brock defense of the executive order came in March 1986 when Reynolds released a report citing impositions of quotas by the Labor Department between 1981 and 1986. The report contained a compilation of documents, primarily letters from the Labor Department's OFCCP insisting that certain employers meet numerical goals. In one of the examples, OFCCP informed a contractor that he had "failed to meet the female and minority goals of 6.9 percent and 24.9 percent, respectively," for the various jobs in his project. Such examples, Reynolds insisted, were not "atypical"; there had been, he said, a "litany of cases" in which "goals and timetables were actually used as subterfuges for quotas."

The report proved to be too little, too late. Both sides seemed to be running out of steam. While releasing the report was deemed by all a bold stroke (if not necessarily a prudent move), the substance of it—56 examples of abuse—struck many as less than compelling. It was definitely not enough to jar the issue loose from the Cabinet stalemate and kick it up to the Oval Office. As Meese was reconsidering his position, Brock was growing impatient and increasingly stubborn. The release of Reynolds' figures did not help move Brock toward the revisionist position. Within a week the issue was largely dead.

Chance of Backfire

In retrospect, the one point on which both sides agree is that if Attorney General Meese had pushed the issue, had taken the question of revising the executive order to President Reagan personally, the order would probably have been revised. No doubt the political costs would have been high, both inside and outside the administration; and it is not clear how much good would have come of it.

Surely those who argued that merely reforming the enforcement regulations would not be a barrier to future abuses were correct. But, as Brock insisted and as Meese became convinced, it is at least arguable that revising the executive order itself—dramatic as the battle had become—would have contributed to a far more troubling assault on the nondiscrimination principle down the road. Had the order been revised, it would have undoubtedly become the focus of attacks on the administration and the Republican Party during the 1988 campaign, causing promises to be made all around that, if elected, this candidate or that would revise the order once again to include the clear authority to use goals, timetables, and so forth. Unintended consequences are all too often the high price of principled politics.

For example, the National Endowment for the Humanities, first under William J. Bennett and later under the acting chairman, John Agresto, refused to fill out the race-counting forms required of all agencies and departments by the Equal Employment Opportunity Commission. The Justice Department never ordered the EEOC to desist the practice and Clarence Thomas, the Reagan-appointed chairman of the EEOC, never chose

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ERRATUM

A line was dropped from the text of Gary L. McDowell's article, "Affirmative Inaction: The Brock-Meese Standoff on Federal Racial Quotas." The last paragraph on page 36 should read:

For example, the National Endowment for the Humanities, first under William J. Bennett and later under the acting chairman, John Agresto, refused to fill out the race-counting forms required of all agencies and departments by the Equal Employment Opportunity Commission. The Justice Department never ordered the EEOC to desist the practice and Clarence Thomas, the Reagan-appointed chairman of the EEOC, never chose to abandon the practice, only to make it optional. By the time Agresto, as acting chairman, went before Congress in 1985 for the agency's reauthorization hearings, Congress had lost all patience with NEH and, as part of the reauthorization bill, decreed that NEH was legally bound to comply with the EEOC guidelines. It was the first time any agency was specifically ordered to count by race and gender.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

time Agresto, as acting chairman, went before Congress in 1985 for the agency's reauthorization hearings, Congress had lost all patience with NEH and, as part of the reauthorization bill, decreed that NEH was legally bound to comply with the EEOC guidelines. It was the first time any agency was specifically ordered to count by race and gender.

Reagan's Prudence

At least since Aristotle wrote, the essence of politics has been understood to be the tension between expediency and morality, the need to reconcile the ought with the is. Statesmanship is not limited to effecting such a reconciliation; it consists also of the simple recognition that the tension exists and that a reconciliation may not always be achievable.

The Reagan administration was the first since FDR's to enter office embracing clearly articulated governing principles that would be used to undergird nearly every policy initiative. Ronald Reagan won the White House in 1980 because he offered the voters a clear point of view; he won it again in 1984 because he had, often against all odds and certainly against all predictions, delivered on a good many of his promises.

In the process, Ronald Reagan changed the terms of debate in American politics. He spoke not the stuffy and arcane language of cost-benefit analysis but the stirring and inspirational language of patriotism and principles. In short, he had a public philosophy—and the public knew it.

But as the Reagan public philosophy elevated the level of public discourse, so it also upped the stakes in the ordinary and daily policy battles that are the essence of American politics. Confronted by protracted political resistance from without, the administration was ever on the verge of pulling apart from within. The pressures of politics pulled hard at the seams of the coalition Reagan had so carefully stitched together between 1964 and 1980.

The apparent failures of principle in the Reagan Revolution—such as the unrevised executive order—are properly understood, at one level, as the result of morality being trumped by the claims of necessity and expediency used in interest-group politics. But, at a deeper level, these failures are better understood as the result of the clash between the conservatives and the pragmatists within the administration.

At the deepest level, however, the failure—more accurately, the refusal—to revise the executive order reveals the essence of Reagan himself. A dedication to principle on the one hand and a keen-eyed, unblinking acknowledgment of practical political realities on the other was what had characterized the Reagan ascendance from the earliest years and what, in the end, characterized his presidency. Knowing when to yield on his principles and when not was the essence of his leadership. This conservative politics of prudence was at once the secret of his success and the source of his most conservative supporters' greatest frustration.

And, like the president he served, Ed Meese was never as blindly conservative as his enemies usually feared or his friends often hoped. Largely thought to be the most unyielding conservative in the administration, Meese was, in fact, the very embodiment of Ronald Reagan's own brand of pragmatic conservatism. ☎

Donald Regan would not allow the issue to go to the president with a divided Cabinet vote.

If you think that your records are protected because they are confidential, think again. You're wrong.

PRIVACY IN AMERICA

IS YOUR PRIVATE LIFE IN THE PUBLIC EYE?

David F. Linowes

Detailed personal information about all of us is now being stored in computer memories of government agencies, corporations, educational institutions, and religious organizations. What happens to this computerized data? Is it accurate? Who has access to it? How is it used to make decisions about whether your bank loan request or insurance application is approved, what school your children get into, and whether you get that credit card? Did you know that it has the potential to sabotage your efforts to find a job, advance in your profession, or obtain credit? Is your private life in the public eye? The answer is yes.

In this timely, revealing book David F. Linowes outlines the full dimensions of the electronic attack on every American's right to maintain the confidentiality of his or her personal information, and goes on to suggest measures people can take to keep their private lives their own. Cloth, $19.95

At bookstores, or order toll free 800/666-2211

University of Illinois Press
c/o CUP Services • P. O. Box 6525 • Ithaca, NY 14851

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Therefore Choose Life

How the Great Faiths View Abortion

Rabbi Aryeh Spero

As they have wrestled with the question of abortion for the past 2,500 years, the great religions of the Western and Eastern worlds have sought to balance a concern for the mother with a concern for the fetus. With the prominent exception of Roman Catholicism, most of these religions have permitted abortion in a small number of circumstances. But for most of their history, the great religions have all strongly disapproved of abortion in the vast majority of circumstances in which it takes place today. The exceptions that religions have often permitted—for example, protection of the life and health of the mother, sometimes rape, incest, and serious fetal deformity—have been carefully delimited, and in no way predicated on the notion of a woman's right to do as she pleases with the fetus in her womb. And though the religious arguments against abortion have frequently been connected with prohibitions on birth control, they exceed in gravity the opposition to contraception, and deserve to be taken seriously by modern couples who may be disregarding the birth-control teachings of their faiths. The great religions oppose abortion because it snuffs out life or nascent life, or destroys souls, not simply because as birth control it contravenes the precept to "be fruitful and multiply."

The most widely sanctioned exception is the protection of the mother's life. Except under Catholicism, direct abortion of the fetus is allowable, and sometimes required, to save the mother. Even the Eastern Orthodox Churches, which otherwise consider abortion murder, allow it here, as do Judaism, Protestantism, and Islam.

While Catholicism prohibits abortion in situations where the mother's health is severely jeopardized, Judaism allows it—not only to avert, for example, blindness or deafness but in most situations where physical incapacitation is anticipated. The majority of Islamic denominations rule like Judaism. With the exception of some evangelicals and fundamentalists, almost every Protestant denomination considers protecting the mother's essential physical health grounds for abortion. The Mormon Church also takes this position.

The mother's psychological and emotional well-being is, according to conventional Orthodox Judaism, taken into account only when these conditions are expected to translate into a physical health risk or aberration in the mother. There are, however, some Orthodox authorities who share the Conservative and Reform position allowing abortion for reasons purely emotional and psychological. Like Judaism, Islam manifests a diversity of opinion in such cases. While many evangelical and fundamentalist churches do not sanction abortion to protect the mother's emotional well-being, such major Protestant denominations as the Presbyterian Church (U.S.A.) and United Methodist Church are amenable to abortion in such cases.

The Eastern Orthodox Churches, many fundamentalist and evangelical Protestant denominations, and certainly the Roman Catholic Church do not consider rape or incest justification for abortion. Although most Protestant denominations do, some Protestant theologians recently have suggested that adoption redresses the burden of unwanted pregnancy and that abortion can itself be as traumatizing as pregnancy and delivery in these circumstances. Relying on a 300-year-old decision, most Orthodox Jewish authorities approve abortion in rape situations. The Conservative and Reform movements approve it without hesitation. Islam displays a variety of views.

While most religious denominations do not demand that heroic measures be taken to treat *in utero* a fetal deformity, many would condemn the active aborting of even a severely deformed fetus, viewing that as outside the rubric of therapeutic abortion. Still, most major non-fundamentalist and non-Catholic denominations do allow abortion in such cases.

The United Church of Christ, United Presbyterian Church, and many Methodist denominations now include social, economic, and familial concerns among their legitimate abortion considerations. A number of mainline religious groups belong to an organization called the Religious Coalition for Abortion Rights. However, the Southern Baptist Convention, America's largest Protestant denomination, has been retreating from an earlier permissive position. Other denominations have

Aryeh Spero *is rabbi at the Civic Center Synagogue (Orthodox) in Manhattan.*

Drawings by Anatol Slotsenko Woolf for Policy Review

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

reevaluated their "pro-choice" positions, with the Lutheran Church in America (now part of the Evangelical Lutheran Church) specifically excluding "abortion on demand," and the Episcopal Church approving a resolution "emphatically opposing abortion as a means of birth control, family planning, or any reason of mere convenience." Similar resolutions were passed last May at the convention of the American Baptist Churches.

All faiths agree that when abortion is to be performed, it should be done as early as possible. Over the centuries, religions have enunciated certain cut-off points. For example, Aristotle, the Catholic theologians Augustine and Aquinas, and Jewish and Islamic religious thinkers considered the fetus unformed, fluid-like until 40-46 days. The Talmud reckoned distinct organ formation as occurring immediately thereafter. Today we know that by the end of that period not only have the stomach, esophagus, and intestines been defined but that the primitive skeletal system has been completed and the major organ systems formed.

For most of the six centuries between Aquinas' death and Pope Pius IX's canon in 1869, Catholicism held that the fetus was unformed until approximately 80 days, near the end of the first trimester. And, 18th- and 19th-century Protestantism posited that quickening occurred at pregnancy's midpoint (135 days). Modern rabbinic authorities mention a first trimester cutoff point. Islam points to quickening, or the beginning of life, at 120 days. Today, we know that fetal movement occurs within the later stages of the first trimester.

JUDAISM

Judaism considers a fetus nascent life, indeed a life form, but it does not regard the fetus as an actual human being, or *nefesh*, to use the Hebrew word. Unsanctioned abortion is therefore not murder, but it is a sin or crime.

Judaism's view originates in Exodus 21:22,23 where scripture refers to a mother's life as *nefesh* but not her fetus's:

If two men struggle (with the intention of killing each other) and accidentally assault a woman so that she miscarries: if she herself is not killed, the combatants shall pay monetary damages for the dead fetus; if, however, she is killed, a *nefesh* [life] shall be given for a *nefesh*.

The scriptural prescription of capital punishment for murder, "Whosoever shall kill a *nefesh* (human) shall be put to death," (Leviticus 24:17) thus does not apply to abortion, since the fetus is not *nefesh*. The Talmud, the authoritative commentaries on the Torah, held that actual personhood does not begin until birth.

If not actually *nefesh*, however, a fetus, according to the Torah, is a form of life, certainly life inchoate. The word for miscarried issue in Exodus 21:22 is *y'ladeha*, or children, instead of *u'bar* or *v'lad*, the appropriate

The Bettmann Archive

Maimonides invoked the mother's right to self-defense when a fetus threatened her life or health.

Hebrew words for embryo or fetus. The implication is that hominization has taken place—the fetus has human as opposed to vegetable or animal aspects.

One of the leading sages of the Talmud, Rabbi Yishmael, went further, and argued for the fetus's actual personhood. Reading Genesis 9:6 as, "Whosoever shall spill the blood of man in man, shall his blood be spilled," Rabbi Yishmael contended that "man in man" is a fetus, and accordingly, feticide is murder and warrants capital punishment. The majority of his Talmudic peers rebuffed this interpretation, holding instead that the correct reading of the verse is "Whosoever spills the blood of man, *by* man shall his blood be spilled." The possibility that Rabbi Yishmael was correct nevertheless produced an attitudinal reverence for the life-status of the fetus.

This reverence was so great that Jewish law modified various obligations in order to protect the fetus's journey toward full human life. The Sanhedrin (the supreme tribunal of the ancient Jewish nation) allowed the Sabbath to be violated in behalf of the fetus, and deferred the trial of a pregnant woman charged with a capital-punishment offense until after she had given birth. Because the fetus was not *nefesh*, the Talmud permitted abortion to save the life or the health of the mother. But because the fetus was nascent life, abortion was prohibited in all other instances.

The Talmud held that the fetus is "one of the living limbs of the mother," but this did not give a woman the right "to control her own body." On the contrary, just as

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

suicide or the amputation of one's limbs for non-health reasons was outlawed, so was the destruction of a woman's "fetus-organ" prohibited except in cases involving a grave threat to her health.

Maimonides, the 12th-century codifier of Jewish law, introduced an additional justification for destruction of a fetus when it poses a threat to the life or health of the mother: the mother's right of self-defense against her pursuer. The Talmud, centuries before, had invalidated such reasoning on grounds that a fetus is an unconscious being incapable of willful pursuit. Under the influence of Maimonides, however, subsequent scholars have taken seriously the self-defense thesis, which yields a host of implications for therapeutic abortions. For example, just as in other situations of self-defense where one can smite an aggressor of unknown dangerousness, so, too, may the mother abort even if it is uncertain whether the fetus will definitely kill her. Also, as in other cases of justifiable self-defense where one is duty-bound to defend oneself, the endangered mother should not construe her pregnancy as a "divine fate" mandating her surrender: she should abort.

Judaism permits abortion in any circumstance where the fetus threatens the mother's essential health, including her mental health. In Orthodoxy, the criterion is usually grave necessity. Aggravation of a heart condition by the fetus would be an example of grave necessity. Most Orthodox authorities allow abortion in cases of fetal deformity only when there is evidence that the mother's physical health will deteriorate as a result of her emotional distress.

The Conservative and Reform movements of Judaism, and a few recognized authorities in Orthodoxy, do not require such a grave-necessity litmus test but only "severe anguish." Thus, the Conservative and Reform movements view deformity as, in and of itself, probable grounds for approved abortion because of the anguish caused parents. Abortion in the cases of rape and incest is also permitted if pregnancy in these circumstances leads to "severe anguish" or, in the Orthodox case, a deterioration of the mother's health.

Supporters of the "severe anguish" exceptions cite the Sanhedrin's practice of immediately executing all criminals convicted of capital-punishment offenses so as to spare them the inevitable severe anguish felt by prisoners waiting on death row. When it happened that a woman was first discovered to be pregnant *after* a death-penalty verdict had been handed her, the court still immediately executed her, reasoning that the need to spare her months of anxiety was more crucial than the months-later birth of the fetus. Thus the court placed the anxiety and suffering of one actually living (the mother) above the birth of potential, fetal life. Many, however, find such an analogy tenuous; they distinguish between the direct killing of a fetus and a warranted execution directed against a criminal with indirect consequences to the fetus.

Reform Judaism's Union of American Hebrew Congregations, a lay, congregational organization, stands alone among Jewish groups in its sweepingly permissive view allowing abortions purely on grounds of economic, social, and "freedom of choice" reasons. This contrasts to the position of the Reform movement's rabbinic body, the Central Conference of American Rabbis, which defers to the more traditional view expressed in conventional Jewish codes and regards abortion as an emergency procedure only. Abortion for economic or convenience reasons—such as escaping the financial drain of child-rearing or avoiding interruptions in career or education plans—is not sanctioned in Judaism.

In those cases where abortion is permitted, Jewish law dictates that abortion be done as early as possible, preferably before formation (40 days) and certainly before the point of quickening, at the end of the first trimester. After the first trimester, the fetus is considered as more than just a potential form of life although it still is not considered a human being.

CATHOLICISM

Among the faiths Roman Catholicism takes the strictest view of abortion. All abortion is considered murder, and direct fetal destruction is not allowed even to save the mother's life. The Catholic position on abortion is closely linked to its doctrine of ensoulment. From the Middle Ages until the middle of the 19th century, Catholicism held that the soul was not formed until 80 days after conception, and abortion before 80 days was then considered a crime but not murder. Since 1869, when the Church stated officially that actual hominization takes place at conception, its opposition to abortion has been absolute.

From its earliest stages Christianity was firmly opposed to abortion. Many Old and New Testament verses were cited to affirm the personhood of the fetus. In Luke 1:41-43, for example, the fetus of Elizabeth is already called a babe, and Mary is called the "mother of my Lord" while yet pregnant. Christian theologians also pointed to Old Testament verses such as "Before I formed thee in the belly I knew thee" (Jeremiah 1:5), referring to God's relationship with Jeremiah while yet a fetus, and Psalm 139:13-16, where David speaks of his "unformed substance" in the womb interacting with God.

While the New Testament makes no specific reference to abortion, Paul in his Epistle to the Galatians (5:20) condemned the use of *pharmakeia*, which many believe to be abortifacients. Similar condemnations occur in Revelations (9:21; 18:23; 21:8) in reference to sorceries.

Abortion was forbidden outright in the *Didache*, a second-century compilation of Christian law, and was called murder by the *Epistle of Barnabas*, an early Christian work. No distinction was then made between formed or unformed birth, that is, animation and non-animation. Both the *Apocalypse of Peter* and Clement of Alexandria's *Prophetic Selections*, two other early Christian works, pronounced abortionists doomed to Hell. Drawing from the Pythagoreans centuries before, they held that the fetus was given a soul at conception.

In the year 305 at the Council of Elvira, and later at the Council of Ancyra in 314, the Church made clear and formal its absolute opposition to abortion.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Augustine, who lived from 354-430 and whose teachings dominated Church thinking for almost a millennium, agreed that abortion was criminal, indeed murder; however, he distinguished between pre-formation and post-formation. Like Jerome before him, he took Aristotle's position that the fetus was not human until animation (formation), which was 40 days for a male, 80 days for a female. With the advent of formation, Augustine theorized, the fetus obtained a soul and was therefore human, rendering the act of abortion murder. Before formation, in Augustine's view, abortion was a crime but not murder.

Augustine was influenced by a third-century B.C. Greek translation of the Torah known as the Septuagint, which became the most common text of the Five Books of Moses in the non-Jewish world. In translating the previously mentioned verse in Exodus 21:22-23, the Septuagint departed from the conventional reading of the text. First, it focused not on the mother but only the fetus; second, it translated the Hebrew word *a'son* not as "death" but "formed":

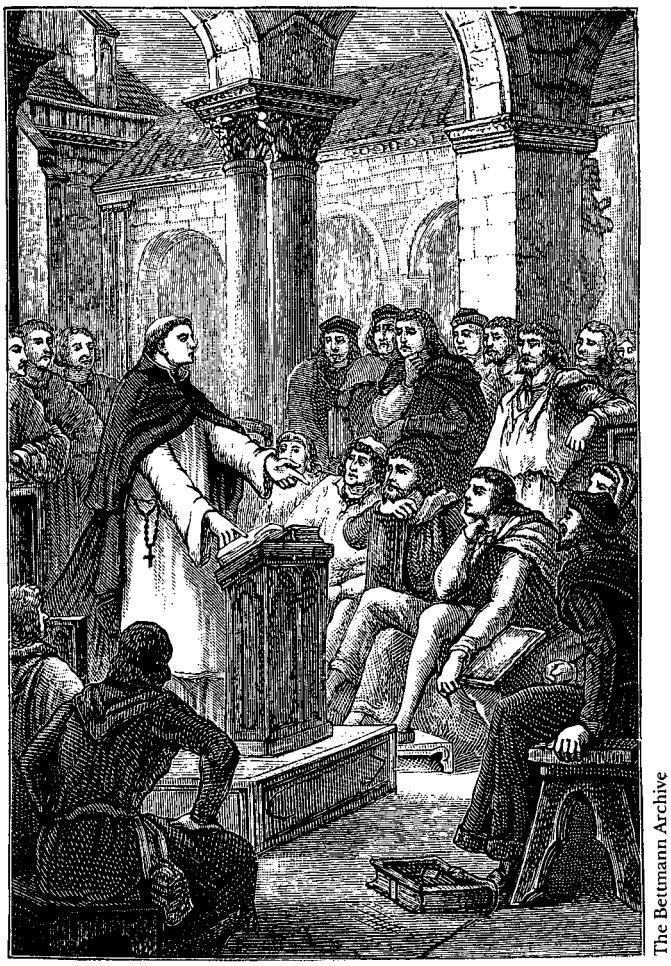
> If two men struggle (with intention of killing each other) and accidentally assault a woman so that she miscarries: if the fetus is not formed, the combatants shall pay monetary damages for the dead fetus; if, however, the fetus is *formed* a *nefesh* [life] shall be given for a *nefesh*.

This reading, then, characterizes a formed fetus as *nefesh*, a person, with an accompanying penalty of death to whoever destroys it.

Under Augustine's influence, the Church condemned abortion for its birth-control implications—for voiding the conjugal act of procreative meaning, and for facilitating illicit sexual relationships. A more important objection, advanced by Augustine, was that abortion deprived the fetus of baptism. Abortion was thus even worse than conventional murder, since it denied a soul its entrance to Heaven, a consequence absent when killing a person already baptized. Such reasoning eventually led to papal edicts excommunicating abortion participants, but not the murderers of infants, children, and adults. Such excommunications ended centuries later, under the influence of Thomas Aquinas, who, while affirming Augustine's opposition to abortion, suggested the possibility of salvation even for the unborn.

Aquinas also distinguished between the formed and unformed fetus, and regarded abortion after formation as murder, and before formation as criminal. He held that formation occurs at 40 days, though for a different reason than the Talmud and the sixth-century Justinian Code, which took the same position. Those works settled on 40 days because of the impossibility of knowing if a fetus was male (40-day formation) or female (80-day formation). Aquinas, by contrast, anticipated male offspring, since "the male semen is the power of procreation and every agent tends to produce its like." For 600 years after Aquinas, however, most Catholics who subscribed to the delayed animation theory decided upon 80 days, close to the first trimester, as the animation point.

Thomas Sanchez, a 16th-century Jesuit theologian, wrote in favor of abortion, if done prior to animation, for cases of rape. "As a human being," he wrote, a mother "differs from 'mother earth' in that she need not nurture seed implanted within her forcibly. Like a property owner, she can expel an intruder—but only before the semen is ensouled, before formation."



The Bettmann Archive

For Thomas Aquinas, abortion was murder after formation of the soul (40 days after conception).

In 1588, Pope Sixtus V made abortion at any stage a capital offense, dissolving the previous distinction between formed and unformed existence. Though Gregory XIV overturned this canon but three years later, Sixtus set in motion what was to become, centuries later, Catholicism's present position. Thomas Fienus, a 17th-century physician, argued that there are no gradations in a soul's existence. In other words, if the soul was extant post animation—and all concurred that it was—it had to be present always, from the moment of conception. Thus, Aristotle's thesis of successive souls—vegetative (conception), animal (until 40 days), rational-human (after formation)—and Augustine's subscription to delayed animation were discarded: abortion was the murder of an ensouled human being from conception.

With Pope Clement XI's proclamation in 1701 hallowing the Immaculate Conception as a feast of universal obligation in the Church, a perception that ensoulment takes place at conception, as it had with Jesus, took root among the masses. And in 1869, 168 years later, Pius IX

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"He who destroys germinating life kills man"
—Karl Barth

made the Church's position official: hominization takes place at conception.

Thereafter, all canons and encyclicals on the subject, including *Humanae Vitae* of 1968, made no distinction between animate and inanimate fetuses, declaring "the fetus a human being in the same degree and by the same title as its mother, from the very first moment of conception" (Pius XII, 1930).

While Judaism accepted a principled ambiguity, holding that while a fetus is a form of life eminently deserving protection, it is not an actual person and is therefore secondary to the mother's survival—the Roman Catholic Church took an absolutist position, asserting, "We must again declare that direct interruption of the generative process already begun, and above all, directly willed and procured abortions, even for therapeutic reasons, are to be absolutely excluded..." (*Humanae Vitae*, 1968). Therefore abortion to save the mother's life is not permitted, even when it is known that the fetus itself cannot survive the pregnancy. Although in this case destroying the fetus to save the mother is merely destroying that which is destined to die anyway, abortion is not allowed and both must perish, under the reasoning, "Better two deaths than one murder."

However, while the Catholic Church interdicts direct abortion of the fetus even to save the mother's life, it does allow remedial procedures to combat a variety of diseases afflicting her, though they may indirectly cause the fetus to die. For example, if a woman would die from a cancerous uterus, her pregnant uterus might rightfully be removed even though that results in the death of the fetus: the act is aimed at the cancer, not the fetus. This is known as the doctrine of "double effect," namely, allowing an action with an intended good effect (eradication of the disease) though it inevitably results in an evil effect (destruction of the fetus).

This doctrine, however, is not synonymous with the doctrine of "lesser of two evils" employed by other faiths as justification for choosing the mother over the fetus. The "lesser of two evils" principle allows the deliberate destruction of the fetus when the fetus's presence threatens the mother, while "double effect" allows only those actions necessary to remediate a threat coming from a source other than the fetus, but never, even indirectly, anything aimed at the fetus itself.

PROTESTANTISM

For most of their history, the leading Protestant denominations have considered abortion after animation criminal and an "act of sin and wickedness." Today Protestantism manifests the widest possible range of views on contemporary abortion questions. Many evangelicals and fundamentalists regard abortion as murder even in such circumstances as rape and incest, while some of the more liberal denominations essentially permit it on demand.

After the Reformation and the establishment of the Church of England, the Protestant and Anglican faiths continued living by the abortion position that had guided Christianity during its first 1,500 years. John Calvin and Martin Luther, like Augustine and Aquinas before them, saw abortion as an affront to the procreative meaning behind conjugation, as well as a subterfuge for sexually immoral conduct, but their primary objection was the destruction of innocent life. Calvin wrote, "The fetus, though enclosed in the womb of the mother, is already a human being, and it is almost a monstrous crime to rob it of the life which it has not yet begun to enjoy." He compared abortion to killing a man in his house, his place of secure refuge, and "it seems more horrible to kill a man in his own house than in a field."

Luther, in *De homini*, wrote that the child in the womb has a soul from the moment of conception. As he was wont to do with many of Aristotle's propositions, which he felt had too heavy an influence on Augustine and Aquinas, Luther rejected Aristotle's theory of delayed animation.

Luther's successor, Melanchthon, also reviled abortion, but distinguished between embryo *formatus* and embryo *informatus*, as did the later 17th-century Anglicans and Puritans.

By the 18th century most Protestant countries marked animation, not at 40 or 80 days, but at the point of "quickening," halfway through gestation, when it was thought that independent fetal movement began. The 18th-century English jurist William Blackstone stated: "Life begins, in contemplation of law, as soon as the infant is able to stir in the mother's womb." Although Germany and England did not formally recognize and legislate according to quickening until the 18th century, the notion of quickening is traceable to early medieval times. The demarcation point between a felonious offense and capital offense was no longer formation but movement, pregnancy's midpoint. Abortion prior to quickening was considered a misprision, a felony; after

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

quickening, it was a capital offense, though the death penalty was seldom implemented.

In 19th-century America, quickening was the criterion for determining acceptable versus unacceptable abortion. Interestingly, in contrast to today, it was the medical profession, particularly the American Medical Association, which railed against pre-quickening abortions, while the Protestant clergy—and most Roman Catholic priests—remained generally silent. In 1868, for example, the Missouri State Medical Association wrote: "Our clergy, with some very few exceptions, have thus far hesitated to enter an open crusade against abortion," and in 1871 the AMA urged doctors to "visit every clergyman within their districts in an effort to persuade them to come out against abortion."

The exceptions to the prevailing silence were the Congregationalist churches, which in 1867 condemned pre-quickening abortion as "fashionable murder." Later, in 1871, the Old School branch of the Presbyterian Church committed itself to the anti-abortion movement. Ironically, some Presbyterian denominations as well as the United Church of Christ, a concomitant of the Congregationalists, are among today's most liberal religious spokesmen regarding abortion.

Many reasons have been offered to explain the reticence of America's 19th-century Protestant clergy, ranging from not wanting to believe that abortion was widespread to squeamishness over openly and graphically talking and writing about matters sexual. The most probable reason was, however, that during the 19th century most clergy shared with their congregants the assumption that a fetus was not really alive prior to quickening: abortion before quickening might be morally offensive, but it was qualitatively different from the destruction of human life.

With the advent of 20th-century scientific awareness of prenatal development, many eminent Protestant thinkers, in fidelity to the human-life yardstick, have begun viewing quickening as an erroneous barometer of when life begins. The late Paul Ramsey, a professor of Christian ethics at Princeton University, remarked that fetal movement begins not at pregnancy's midpoint but in the first trimester. Going even further, he agreed with John T. Noonan of the University of California, now a federal judge, that "a being with a human genetic code is already man," and "genetic coding occurs at conception."

Ramsey offered three stages at which life probably begins: conception, when the unique genotype originates; segmentation, when it is irreversibly settled whether there will be one child, twins, or triplets; and the early development of the fetus, when the "outline" cells contained in the fetus actualize in all essential respects, with only growth to come. This, he continued, transpires no later than eight weeks, after which it is no longer an embryo but a fetus: "By comparison with the achievements already made by the unborn life, traditional quickening refers to no change and birth to less significant change in the human life already present in the womb. There is growth, but the crucial development is already done."

Karl Barth, the preeminent 20th-century neo-orthodox Protestant ethicist, wrote: "The unborn child is from the very first a child. It is still developing...but it is a man and not a thing. He who destroys germinating life kills man." While Barth would countenance abortion in cases where the mother's life and essential health are imperiled, he would not, according to scholars, allow abortion when a deformity is diagnosed, construing that as an act of "fetal euthanasia," that is, killing a fetus because of qualms about its future "substandard" quality of life.

Helmut Thielicke, an oft-quoted German theologian, stresses that the question of abortion is separate from that of contraception since, unlike contraception, abortion is the destruction of life. "The fetus," he writes, "has its own autonomous life, it is a human being. Therefore, here, in abortion, creation is infringed upon (an already bestowed gift is spurned) in a way that is completely different from that of the case of contraception."

Leading evangelical theologians have all strongly opposed abortion, with some differences about exceptions. Francis A. Schaeffer, who has had a major influence on the thinking of several televangelists, has written:

> The question of human life truly is a watershed issue.... [Abortion] results in the total devaluation of life. The unborn child is a human being created in the image of God, and to deny this is to deny the authority of the Bible. It is impossible to read Psalm 139 and truly believe what it says without realizing that life in the womb is human life. It is impossible to truly believe in the Incarnation and not realize that the child conceived in Mary by the power of the Holy Spirit was indeed the Son of God from the time of conception.

Carl F. H. Henry, the founding editor of *Christianity Today* and a leading evangelical scholar, has decried abortion on demand as "the most horrendous injustice" of this generation, and labeled as "monstrous" the "ready sacrifice of fetal life as a means of sexual gratification and of birth control." Nevertheless, he has also spoken for many evangelicals in countenancing a number of exceptions:

> When childbirth would endanger the mother's life abortion can be morally justifiable. The fetus seems less than human, moreover, in cases of extreme deformity in which rational and moral capacities integral to the *Imago Dei* are clearly lacking. The scriptural correlation of sexual intercourse with marriage and the family, furthermore, implies an ethical basis for voluntary abortion in cases of incest and rape.

Other Protestant theologians, while affirming the life status of the fetus, incline toward more permissive abortion practices. For example, Paul K. Jewett, professor of theology at Fuller Christian Theological Seminary in Pasadena, California, considers the "conflicting personal and societal values to be weighed when making decisions about abortion," stressing that such decisions are ethically ambiguous. Robert P. Meye, dean of the School of Theology at Fuller Seminary, urges the possibility of and need

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

for forgiveness in view of the "ambiguity of many situations faced in family life." James Gustafson, professor of Christian ethics at the University of Chicago, writes: "As the morally conscientious soldier fighting in a particular war is convinced that life can and ought to be taken 'justly but also mournfully,' so the moralist can be convinced that the life of the defenseless fetus can be taken, less justly, but more mournfully." Thus, although he says fetal life is to be preserved and protected in principle, he would case by case recognize social and emotional conditions affecting the woman and future child.

Islam

Islam considers the fetus a form of life, certainly potential personhood. Life is made manifest with the arrival of *ruh*, breath from Allah, which divides mere physical formation from the human-spiritual formation: "And when I shall have fashioned him and breathed my spirit into him" (Koran; Sura 15:29).

For many, this takes place at quickening, which Moslems calculate at 120 days after conception, though some see its arrival even earlier. In contrast to the physical breath mentioned by the Stoics, *ruh* is a transcendent, divine breath coming well in advance of the first breath taken at birth.

There is considerable debate within Islam about the permissibility of abortion prior to quickening. The more permissive Hanafi school allows it for any "good cause"; the stricter Ibadiyya school allows it only for grave necessity such as protection of the mother's life or health. Islam divides gestation into at least four stages: conception, conception to formation (40 days), formation to quickening (120 days), quickening (*ruh*) and onward. Abortion at each new stage brings a sanction of increasing severity, ranging from disfavor to prohibition to crime and, finally, murder, resulting, along the way, in payment of *ghurra* and *diya*, forms of "blood-money."

After quickening, abortion is allowed if needed to save the mother's life, since as *Shari'ah* (Islamic law) states, "necessity knows no law...and it is the lesser of two evils, she being the root and it a branch, she being the origin."

The legal commentaries called *Al-Fatawah* offer a sociological reason for choosing the mother's life over the fetus: "She is established in life with duties and responsibilities while the fetus has no responsibilities or obligations to fulfill." According to Islam, abortion for purely economic reasons is forbidden. Sura 17:31 of the Koran states: "Kill not your children for fear of want. We shall provide sustenance for them as well as for you. Verily, the killing of them is a great sin." However, Ibn Wahban, the Hanafi scholar, says abortion before quickening is allowable if a current pregnancy interrupts the lactation necessary to nurse an already living baby, andthe father is unable to hire a wet nurse.

Many Ibadiyya scholars regard the fetus as a complete, live human being, the destruction of whom constitutes murder. They believe that *ruh* is akin to ensoulment. Yet they, too, would allow abortion in behalf of the mother's life since it is "the lesser of two evils."

Hinduism and Buddhism

Although the *Vedas* and *Vinayas*—the sacred texts of Hinduism and Buddhism, respectively—do not explicitly adjudge abortion, the age-old question of when life begins was indeed discussed by Eastern philosophers. Some saw life beginning at conception, others at first fetal movement, and still others at first breath.

Most held that *prana*, life, has no beginning nor end. It is simply a series of evolving births: egg, sperm, blastocyst, zygote, embryo, fetus, infancy, adulthood, and a death leading to a new *karmic* (reincarnated) life, with those whose chain of karma having ended finding their individual soul (*atman* in the Hindu) merging into the *brahman* or *nirvana* (cosmic soul). Though all agreed that the Conscious Self, akin to what Westerners might call soul, is not manifest until actual birth, life theoretically was present in previous existences.

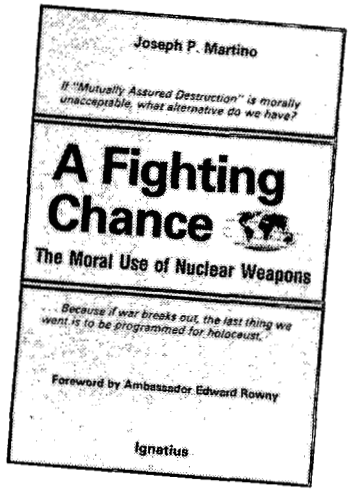
Is personhood, for the Eastern religions, the *atman*, consciousness, which takes place only after birth, or does personhood reside in *prana*, life, which predates even conception? Based on the teachings of *ahimsa*, noninjury and nonviolence, as well as *kismet* and *karma*, fate and non-interference with the cycle, the Eastern religions produced a historical antipathy to elective abortions, resulting in a censure of abortion in the code of Manu (100 A.D.), which quotes from laws issued centuries before. It should be pointed out, however, that the concept of *ahimsa* (non-injury) is so general that included in it is the condemnation of killing even animals.

A Time To Be Born

The ancient Egyptians possessed a hymn, composed by Pharaoh Amenhotep IV, bespeaking "God's transference of life to a son while yet in the body of his mother," a sentiment found also in the Koran. The great religions have grappled with abortion within the age-old context framed by Ecclesiastes (3:2): "There is a time to be born, and a time to die; a time to plant, and a time to pluck up that which has been planted." The great faiths may differ as to when abortion is allowed and under what conditions. Yet they all share an abhorrence for elective abortions and a fundamental belief that, absent extreme circumstances, abortion is wrong. For in the words of Ecclesiastes (11:5), "Thou knowest not how the bones do grow in the womb of she that is with child." ☎

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

POWERFUL. PROVOCATIVE. PROFOUND.


Joseph P. Martino
If "Mutually Assured Destruction" is morally unacceptable, what alternative do we have?
A Fighting Chance
The Moral Use of Nuclear Weapons
Because if war breaks out, the last thing we want is to be programmed for holocaust.
Foreword by Ambassador Edward Rowny
Ignatius

"The finest moral and intellectual history of the nuclear weapons debate I have ever seen." — **Angelo Codevilla,** Hoover Institution

In a detailed analysis of the just war doctrine—as it applies concretely to existing and proposed technology—Martino argues for a policy which would maximize the chances for a lasting peace and minimize the risks of a devastating war: the ability to use certain nuclear weapons in the defense of important values while satisfying the criteria of the just war doctrine. He examines with precision and thoroughness the just war doctrine as it applies to the concrete realities of political organization, existing international relationships and, especially, the weapons and the military organization which we now have and can expect.

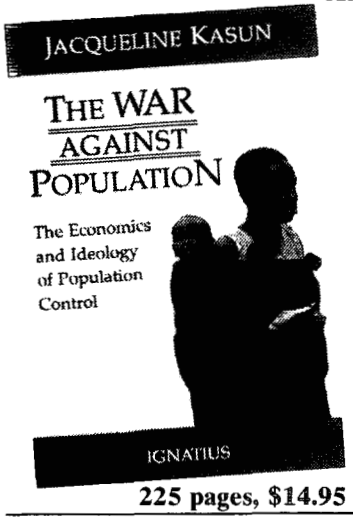
"Martino's treatment of the moral imperatives inherent in the SDI issue is, in my view, the most clear and incisive yet published."

— **General Daniel Graham,** Director, High Frontier

"A comprehensive and closely reasoned study . . . Martino has accepted the challenge of the U.S. Bishops and met it magnificently."

— **Ambassador Edward L. Rowny,** from the Foreword

320 pages, $15.95



"An urgently needed book showing Jacqueline Kasun's mastery of both economics and moral philosophy."

— **George Gilder,** Author, *Men and Marriage*

The idea that humanity is multiplying at a terrible and accelerating rate is one of the false dogmas of our times. From that notion springs the widely held belief that unless population growth is immediately contained by every governmental and private method imaginable, mankind faces imminent disaster. These ideas form the basis for an enormous international population-control industry that involves billions of dollars of taxes. In her tour de force exposé, Dr. Kasun shatters the dogmas of the controllers—tenets that simply fall apart under close scrutiny and comparison with a mountain of data.

"A shocking account of the multi-billion dollar movement of the population controllers and their efforts to enforce global population control. It deserves to reach the widest possible audience." — **Tom Bethell,** Hoover Institution

"This book urgently needs to be read. It carefully exposes two of the leading frauds of our time—the "overpopulation" hysteria and the false pretense of "sex education".

— **Thomas Sowell,** Author, *A Conflict of Visions*

225 pages, $14.95

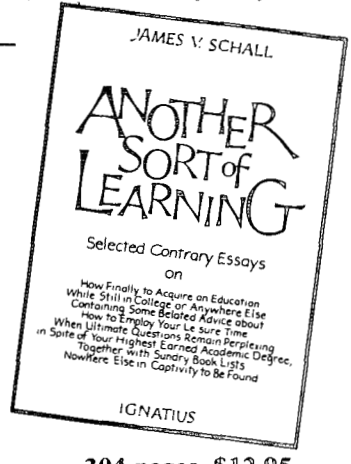
"Few teachers can match Schall at conveying a sense of the life of the mind. He never forgets that 'to learn' is a transitive verb, and that its object is truth." — **Joseph Sobran,** Editor, *National Review*

Noting the current widespread concern about the quality of education in our schools, Schall examines what is taught and read (and *not* read) in these schools. This book questions the fundamental philosophical and theological premises found in our culture which often do not allow truth even to be considered because its very possibility is denied in academic presuppositions. Schall lists important books to read and why to read them.

"For years I have meant to write such a book as *Another Sort of Learning*. It is full of much valuable wisdom." — **Russell Kirk ,** Author, *The Conservative Mind*

"A delightful book ... containing unusually sane reflections on education, unusually reflective reviews of books, and unusually discriminating booklists. Just the book I have wanted to give my students for years."

— **Peter Kreeft,** Boston College


JAMES V. SCHALL
ANOTHER SORT of LEARNING
Selected Contrary Essays on
How Finally to Acquire an Education While Still in College or Anywhere Else Containing Some Belated Advice about How to Employ Your Le sure Time When Ultimate Questions Remain Perplexing in Spite of Your Highest Earned Academic Degree, Together with Sundry Book Lists Nowhere Else in Captivity to Be Found
IGNATIUS

304 pages, $12.95

---

ignatius press
15 Oakland Avenue ◦ Harrison, NY 10528

Name _____

Address _____

City _____ State _____ Zip _____

___ A Fighting Chance ($15.95) . . . . . ____
___ The War Against Population ($14.95) . . . . . ____
___ Another Sort of Learning ($12.95) . . . . . ____
Shipping and handling ($1.50 per book) . . . . . ____
Total . . . . . ____

PR *Please enclose payment with order*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

MULRONEY'S SAVE

Welfare-State Conservatism Beats Peronism in Overtime

MICHAEL I. KRAUSS

The bellowing, vindictive election campaign that has just taken place north of the border should put the lie, for a long time, to the myth that Canadians are (as the *National Lampoon* put it) "extremely boring white Americans." The cliff-hanger contest almost produced victory for a left-wing coalition in which anti-NATO socialists would have wielded the balance of power, and which pledged to scrap a treaty that is the last best hope for Canada's economic future.

Won by Prime Minister Brian Mulroney after a bruising 50-day campaign, the November 21 election pitted the governing Progressive Conservatives (PCs) against John Turner's Liberals and Ed Broadbent's New Democratic Party (NDP). Both opposition leaders portrayed the election as involving only one issue, defeating the Free Trade Agreement (FTA) negotiated with the United States by Mulroney but held up by Canada's Senate. The Conservatives, on the other hand, deemphasized FTA from the start. Their slogan, "Peace and Prosperity, Now and for the Future," was clearly modeled on the issueless 1984 Reagan platform.

"Peace" has almost always graced Canada, though in World Wars I and II its soldiers came to the aid of the British. Today Canada spends less of its gross domestic product (GDP) on national defense than any NATO country except Luxembourg, which has somewhat less territory to patrol. "Prosperity" there seems to be as well: over one million jobs have been created in Canada since the PCs' rise to power in 1984, and though the country is poorer than the United States, it currently enjoys the fastest growing economy in the West.

Whether this prosperity is deeply rooted is questionable. The Canadian federal government annually runs mighty deficits to which must be added even larger provincial budget shortfalls generated by numerous federal-provincial social programs. According to Organization for Economic Cooperation and Development (OECD) figures, total Canadian deficits exceeded 5 percent of GDP from 1982 until 1987 (to compare, the much-fretted-over U.S. figure was about 3 percent). Canadian governments absorbed fully 48 percent of national wealth in 1986 (as compared with 37 percent in the United States). Canadian expenditures reached these levels despite a free ride on U.S. taxpayers' defense spending; with similarly low military outlays Washington would probably balance its budget.

Yet, despite occasional editorial page laments for a population living beyond its means while transferring the costs of prodigal social programs to future generations, soaring deficits have never been the pressing concern for Canadians that they have been for its southern neighbors. The overwhelming majority of Canadians are proud that, to cite two examples, medical care is "free" and all universities are publicly funded, with tuitions averaging less than $1,000 per year. The *Toronto Star* columnist Richard Gwyn, who has studied public opinion in the West, contends that Canadians are more liberal (in the modern, American sense of the word) than residents of any other free country.

The PM's Achievements

Brian Mulroney, a nonideological corporate labor lawyer accustomed to compromise and muddling through, appeared to have understood Canada's economic dilemma when he took office after defeating the governing Liberals with an unprecedented 211 seats (as against 40 Liberal and 30 NDP) in September 1984. The new prime minister decreed an immediate freeze on federal hiring and spending, and declared that "the picnic has to stop." In his November 1984 Throne speech, announcing his intentions for the coming session of Parliament, he resolved to:

- reconsider the universality of social programs, including the "Baby Bonus," a monthly allocation for every Canadian mother that increases with each new child;
- slash Unemployment Insurance (UI) benefits by $1 billion. The unemployment insurance plan is an integral part of Canada's regional development program, whereby residents of productive areas of the country are taxed to subsidize outdated life-styles in other regions. All salaried Canadians pay into the UI fund. Eight weeks' paid "premiums" entitle one to up to 51 weeks of UI

MICHAEL I. KRAUSS, *professor of law at George Mason University in Virginia, is a dual citizen of the United States and Canada.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

payments at 66 percent of salary. The plan has been extended to protect, for example, self-employed fishermen in the Maritimes (the provinces of Newfoundland, New Brunswick, Nova Scotia, and Prince Edward Island), who double up on benefits by "hiring" their common-law wives as salaried "housekeepers" during an eight-week fishing season. The fish are sold for whatever price they will bring, and both "workers" live in leisure for the rest of the year;

• implement severe budget cuts at the left-leaning Canadian Broadcasting Corporation (CBC), whose programming constitutes a subsidy of upper-middle-class listeners by working-class taxpayers;

• kill former Prime Minister Pierre Trudeau's Foreign Investment Review Agency (FIRA), which had discouraged and at times prohibited American investment in Canada, costing the country billions in capital inflows and hundreds of thousands of jobs;

• dismantle Trudeau's National Energy Program (NEP), which enabled a takeover (without compensation) by Petro-Canada of 25 percent of Canada's mostly American-owned petroleum industry, as well as a massive and brazen transfer of wealth from the oil-producing provinces of Western Canada to Ontario and Quebec consumers.

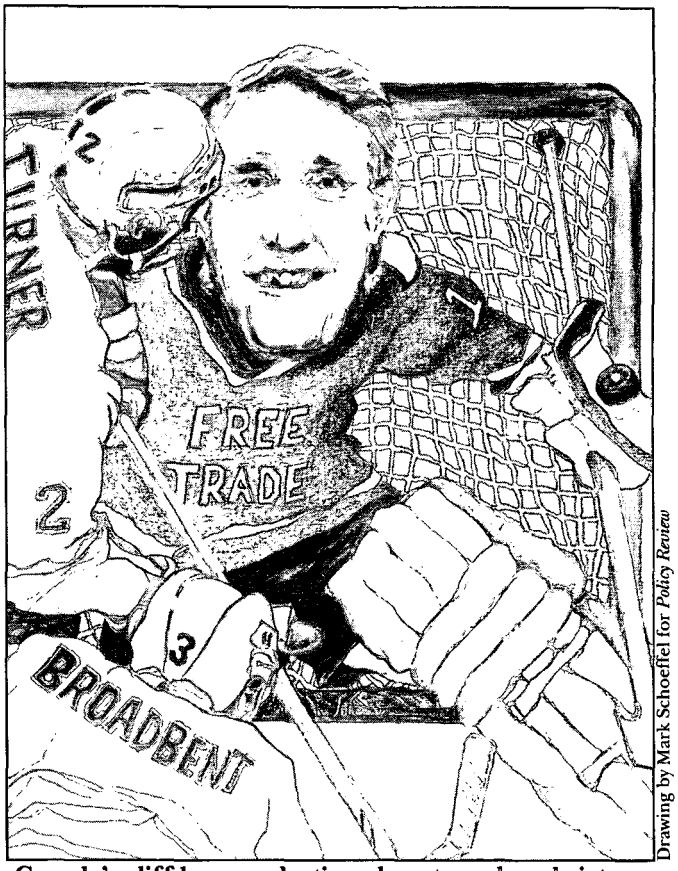
Some of Mulroney's efforts bore fruit. FIRA and NEP were indeed dispatched. French- and English-speaking areas of the country were unified as perhaps never before in recent history by the bilingual Mulroney, who was the first federal politician in 30 years to obtain a solid majority of seats in both linguistic areas of the country. Efforts to deregulate industry were modest by American standards, but did result in partial privatization of Air Canada and the promise to someday relinquish Petro-Canada. The freeze in federal spending resulted in a decrease of the federal deficit from $38.6 billion in 1985 to $28 billion in 1988, without a tax increase.

Striptease and Guccis

Unfortunately, whatever the true Mulroney commitment to freer markets and less intrusive government, his concerns were soon eclipsed by the need to salvage an administration mired in scandal. It is reasonable to say, in retrospect, that the Liberals had been in power for so long that the PCs were unable (especially in historically Liberal Quebec) to field a good pool of candidates before their surprise 1984 victory. Since Canada's parliamentary system in practice requires that Cabinet members be chosen from among the otherwise impotent Members of Parliament, and that these ministers duly represent various regions and language groups, Prime Minister Mulroney was forced to appoint some people whose greed and inexperience wreaked damage on the party. Here are some examples:

• February 1985: Defense Minister Robert Coates is forced to resign in the wake of controversy surrounding his relations with a German striptease artist following a visit to a sensitive NATO base;

• December 1985: Environment Minister Suzanne Blais-Grenier resigns her post after revelations that she toured western France in a private limousine, at taxpayers' expense, during an official visit;



Drawing by Mark Schoeffel for *Policy Review*

Canada's cliff-hanger election almost produced victory for a protectionist left-wing coalition dominated by anti-NATO socialists .

• May 1986: Industry Minister Sinclair Stevens quits the Cabinet amid allegations (subsequently confirmed by a judicial inquiry) that he and his wife received generous loans from firms that did business with his department;

• January 1987: Junior Transport Minister Andre Bissonnette is fired after disclosure that he made millions in a 24-hour "flip" of land near his home. The ultimate purchaser of the land was a Swedish firm whose defense business with the government had been subsidized on condition that it build a plant in Bissonnette's riding (electoral district);

• February 1987: Minister of State Roch Lasalle resigns amid controversy surrounding his involvement in fund-raising efforts linked to explicit promises of federal contracts;

• April 1987: The Conservatives' popularity is further eroded when it is revealed that the PM has an obsession for Gucci loafers. (He owns 56 pairs.);

• February 1988: Supply and Services Minister Michel Cote is forced to resign after failing to declare a $300,000 personal "loan" he had received from a friend who obtained several government contracts;

• October 1988: A PC Member of Parliament from Quebec, Mr. Ricardo Lopez, calls a press conference to declare that Labrador should be given to the Indians, since "the only thing we have up there is a military base [and] in any case, they [the Indians] don't have too much interest in the rest of society." Protests by whites in Labrador follow, while outraged urban Indians block

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

bridges leading to Montreal.

These and other gaffes, all of which were prominently displayed in the media, rapidly eroded the Conservatives' 1984 support and diverted attention from Mulroney's successful, wealth-producing policies. In 1985 Mulroney trailed in the public opinion polls, and by late 1987 the shell-shocked Tories were projected as third-place finishers in a future election. The Conservative Party apparently decided at that point that a radical change in the prime minister's image was necessary to salvage his popularity. In late 1987 Mulroney appeared to embrace a two-part strategy, whereby left-wing activist groups would be indulged while simultaneous efforts to adopt the Free Trade Agreement would appease dismayed conservatives.

Mulroney Moves Left...

Thus, following protests by activists for the unemployed, Mulroney disavowed both his Throne speech pledge and a Royal Commission report urging massive cuts to the UI system (which the commission held responsible for Canada's persistently high unemployment rate, rarely below 10 percent). In February 1988, Mulroney actually liberalized the UI system to allow for government-paid paternity leave for all.

Other preelection protests also resulted in prompt government action. Among the more interesting examples:

- Health activists obtained a ban on all tobacco advertising in the country, diverting Canadian tobacco advertising dollars to American print media that are widely circulated in Canada;
- When nationalists charged that Lake Superior and James Bay would soon be draining into American Jacuzzis, Mulroney banned sales of fresh water to the United States, now and in the future, FTA or not. No fresh water is being sold presently, and the validity of a pledge never to sell fresh water remains unclear;
- The government rather brutally extorted from Canadian banks substantial reductions in their service charges (which were already much lower than in the U.S.);
- A bizarre coalition of anti-American nationalists and out-of-work shipbuilders supported Mulroney's plan to increase defense expenditures by building nuclear-powered submarines (at a cost of $8 billion) to protect claims of Canadian sovereignty over the Northwest Passage against U.S. ships that periodically cross these international waters without asking Ottawa's permission. The submarines may prove of very marginal help in detecting covert Soviet activity in the Arctic, but were sold to the Canadian public on anti-American grounds;
- The feminist lobby obtained a $1 billion child-care program. Unfortunately for Mulroney, a consortium of the Canadian Labour Congress, the Public Service Alliance of Canada, the National Action Committee for the Status of Women, and the National Anti-Poverty Organization condemned the program, which was left hanging in the Senate at election time. Instead of establishing "Government Day-Care Centers" as these organizations wished, Mulroney had proposed a voucher system that would encourage competition among commercial day-care providers. This "set a dangerous precedent in Canada," according to the coalition.

...But Also Embraces Free Trade

At the same time, to resurrect support among Canadians who favored freedom and economic growth, Prime Minister Mulroney abandoned his long-standing opposition to free trade. During his 1984 campaign for the leadership of the Progressive Conservatives, Mulroney had proclaimed that "free trade affects Canadian sovereignty, and we will have none of it." In March 1985, however, at the "Shamrock Summit" with fellow Irishman Ronald Reagan in Quebec City, Mulroney suggested that the U.S. and Canada negotiate a free trade agreement. This had been an objective of U.S. officials for decades, but previous efforts had been spoiled so many times by Canadian nationalists that the U.S. was waiting for a Canadian initiative.

The FTA, which establishes the two countries as a free-trade area under the terms of the General Agreement on Tariffs and Trade (GATT) and eliminates most tariffs on goods and services over a 10-year period, was signed in January 1988 and ratified by the U.S. Congress in September 1988. The Free Trade Agreement will (by modest estimates) raise Canadian manufacturing output by 10.5 percent and increase exports by 4 percent, lowering industrial and consumer prices in both countries and encouraging job creation and entrepreneurship. Of considerable interest to Americans, over and above the enhancement of their export markets, are the elimination of distortional aspects of the hugely successful Auto Pact and Canada's abandonment of the power to fix above-market prices for sales of oil, gas, and electricity to the United States.

Turner's About-Face

Cautious Canadians remained from the start almost evenly divided about the merits of individual freedom to trade. Polls almost always show that a plurality of Canadians favor free trade with the United States, but that the intensity of opponents is greater than that of supporters. The Free Trade Agreement was opposed by unions whose high wages depend on precluding competition, and by some small companies presently protected from American rivals. The NDP (Canada's Labour Party), which is constitutionally controlled by unions, was expected to oppose the agreement. Liberal leader Turner, however, was a bookish, Americanized lawyer who had sent his children to Stanford and Princeton, and had been photographed reading Michael Novak's *The Spirit of Democratic Capitalism* when he ran for party chief in 1984. His sudden 1987 promise to "tear up the deal" if elected horrified Canada's business establishment.

Meanwhile, Mulroney's selection of populist policies had pulled his party barely ahead in the polls (for the first time in 30 months) in September 1988. Support for the government was shallow, though; disillusioned conservatives had far less fervor for the PCs than before the prime minister's mid-term conversion to interest-group pandering, and left-wing beneficiaries of new PC policies could still be wooed by the opposition. Mulroney undoubtedly would have preferred to wait until 1989 to call elections

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

and, under the constitution, he had until September 1989 to do so. John Turner forced his hand, however, by instructing the Liberal majority in the unelected Senate not to pass legislation ratifying FTA .

The revolutionary nature of Turner's action might be difficult for Americans to grasp. Canada's Senate, which is primarily composed of people who made generous donations to the party in power in the House of Commons, is devoid of political legitimacy. Because the Liberal Party has formed the government over most of the period since 1940, it dominates the Senate. But this has never posed a problem for Conservative governments in Ottawa because the appointed-for-life senators followed an unwritten constitutional convention requiring them to approve bills adopted in the House of Commons. In April 1988, however, the Senate refused to pass without substantive amendment an important House bill designed to obtain Quebec's approval of Canada's new constitution. A month later, the Senate stalled a bill destined to close a gaping loophole in Canada's refugee law. In September, the Senate surprised the entire nation by announcing that it would not adopt FTA (which had to be ratified before January 1, 1989) unless Mulroney asked for and obtained another mandate at the polls.

Mulroney's advisers decided that despite this constitutional upheaval, the uncertainty of popular support for FTA was such that he would hurt the PC cause by basing his offensive on a call for an elected Senate. Rather, they decided to emulate the Republicans' 1984 "no-mandate" campaign, in the transparent hope that objective economic indicators would overcome doubts about the free trade issue. This error almost cost the Progressive Conservatives the election.

Bribery Contest

Some American journalists have praised Canada's 1988 electoral campaign as more "serious" than its recent U.S. counterpart. In reality, it was patronizing and demagogic. The three parties competed with each other in making expensive promises. Mulroney announced the establishment of three new laboratories and institutes in Manitoba following news of a Liberal resurgence in the polls there. He countermanded a Department of Defense order to dismantle an obsolete radar site in his home riding in Quebec. He promised $50 million in "new money" to small towns "to combat pollution," and $125 million to "clean up the Great Lakes," immediately after polls showed voter concern about the environment. Unlike an American presidential candidate, a parliamentary leader feels compelled to propose concrete legislation, not vague policy preferences, since a prime minister actually shepherds legislation through the House of Commons.

Meanwhile, John Turner announced new programs the likes of which Michael Dukakis never imagined, and even Canada had never before beheld. He proclaimed his party's support for "total pay equity" (equal pay to men and women for "work of equal value to society," as established by a government board). He unveiled a massive program whereby the federal government would partially cover most Canadians' mortgage and rent payments. He ridiculed the Mulroney child-care plan, promising a much more extensive government-run program, which he later admitted would cost $9 billion. He vowed to impose "total sanctions" against and to break off diplomatic relations with South Africa (but not with, say, Ethiopia or Romania). He pledged to restrict foreign investment. He offered $1,000 cash to every Canadian over 65. He announced huge new grants to inshore fishermen.

Toronto's C. D. Howe Institute estimated that Tory promises, if implemented, would cost the federal treasury $3.8 billion over four years. Liberal pledges were valued at $27.5 billion (an amount equal to the federal deficit)

Liberal John Turner promised new programs the likes of which Michael Dukakis never imagined, and even Canada had never before beheld.

over the same period. These numbers cover only direct outlays and neglect costs in lost productivity. Neither Liberals nor PCs proposed new taxes to pay for their programs. For its part, the NDP's $16.7 billion offering of goodies to Canadians was accompanied by a proposed $13 billion "soak the rich" tax hike, above and beyond the marginal tax rates that routinely exceed 50 percent on incomes of $35,000 U.S.

Envy of the Yanks

Frightful as these bribes may seem, they pale when compared to the treatment of the FTA by the opposition parties, which seemed to view envy of the Yanks as a public good needed to cement national unity. On October 2, the first day of the election campaign, Turner proclaimed that "we will not allow Mr. Mulroney to sell out our birthright!" In the televised debates between the three party leaders he again accused Mulroney of selling out Canada. Liberal television ads portrayed American and Canadian negotiators of FTA jointly erasing the border between the two countries. Liberal and NDP leaflets alleging that FTA would abolish the Canada Pension Plan (Social Security) and government health care were circulated in old-age homes and hospitals. Turner stated in New Brunswick that 750,000 food-processing jobs would be "legally wiped out" by FTA. (When challenged by a worker, the Liberal leader replied that he meant that competition would "put the jobs at risk.") Stephen Lewis, Canada's ambassador to the United Nations and a former Ontario NDP leader, contended that "each and every vehicle of Canada's culture" (including the CBC and the National Film Board) would "die" under FTA. When his interviewer observed that the agreement expressly exempts culture, Lewis rejoined, "One of the things I also learned at the U.N. is that the United States does not always honor international agreements."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Brian Mulroney seemed unprepared for an aggressive campaign and especially for a unified Liberal/NDP assault on FTA. During the debates, he unwisely apologized five times for the unprecedented level of government corruption. He employed a professorial manner to lecture his fervid opponents and incredulous CBC questioners about the costs of mercantilism and the utility of free trade. Following derisive laughter by Turner and Broadbent during one of the debates, Mulroney resorted to the rhetorically counterproductive claim that if FTA did prove damaging it could and would be abrogated on six months' notice. The PCs' dumbest act was their response to the border-erasing ad: three weeks after its airing, they produced their own television spot showing the two negotiators putting back the border. This of course only reminded the voters of the Liberal publicity.

The Tories' Blitz

All this was enough to dissipate the Tory lead among a Canadian electorate of which only 41 percent had voted for the same party in the three preceding elections. A week after the debates the Progressive Conservatives and the Liberals had roughly equal support, and (notwithstanding one Gallup Poll that now seems to have been deeply flawed) they remained neck-and-neck until about one week before the November 21 ballot. By November 10, however, three events turned the tide of the election:

On November 4, 89-year-old former Supreme Court Justice Emmett Hall, the author of Canada's medical care program, held a press conference to dispute the claim that FTA gutted medicare. The image of this apolitical, respected, frail old man gripping the thick treaty while accusing the opposition leaders of lying was stunning, and considerably undercut their critique of FTA for the remainder of the campaign. During the next two weeks the opposition leaders curiously shifted their argument, maintaining that medicare might well be dismantled, not because it would be illegal under FTA but because it was grossly inefficient and would make Canadian industry uncompetitive. Not surprisingly, this message carried less emotional punch than their previous one.

Canadian business, generally favorable toward FTA, staged a major media blitz in the last two weeks of the campaign. Every daily paper in the country was blanketed with ads proclaiming the beneficial effects of FTA and the horrors that would result if Canada adopted various Liberal programs. Because the Canadian dollar lost ground in lockstep with Liberal advances (from 83.5 cents to 80 cents in two weeks, an ominous loss of 4 percent of the nation's wealth), these claims seemed credible. During one vivid television interview, John Turner belittled a four-page spread (paid for by 150 Canadian companies) in 35 dailies as "intellectually dishonest," vowing that "big business, led by American multinationals, are now trying to buy this election.... Canada is not for sale, and I don't believe Canadian votes are for sale." In response to the next question, Turner admitted that he hadn't yet read the ad. Reporters covering this interview added that Turner had for many years sat on the board of Bechtel Canada, a subsidiary of an American multinational.

Again following the Republican example in the presidential race, the Tories reacted to their initial setbacks by bombarding Canadians with the most extensive and expensive two-week negative advertising campaign the country had ever seen. This publicity diverted attention from FTA to the flagrant economic incompetence of the Liberal team (which was, by any possible standard, the intellectually weakest Liberal slate fielded this century). The average Canadian viewer saw 20 Conservative television spots during the final week of the campaign. Some highlighted Turner's record as Finance Minister for two and a half years in the 1970s, during which period unemployment rose, inflation doubled and greatly exceeded the American rate, the civil service grew at twice the rate of private employment, the Canadian dollar fell for the first time below $1.00 U.S., and federal spending rose at a rate of 23 percent a year. The Liberals' response, which consisted of wrapping themselves ever more tightly in the flag (some zealots publicly burning the American version), appeared weak and indecisive.

Rejection of Demagoguery

The Conservative victory in November was a clear-cut one. It is false to claim, as have some U.S. commentators, that Mulroney was victorious only in French Canada. Of Canada's four distinct regions, the Conservatives were clear winners in Quebec, Ontario, and the West, with the Liberals obtaining a majority of seats only in the welfare-dependent Maritimes. The Tories remained Canada's sole national party; the NDP won none of the 107 seats east of Ontario and the Liberals won only six of 86 seats in provinces west of Ontario. The Tories' 44 percent vote is, historically, quite respectable in a three-party parliamentary system.

The final tally, 170 PC, 82 Liberal, and 43 NDP, gave Mulroney Canada's first back-to-back majority government in 35 years. The Canadian dollar has risen to 85 cents U.S. since the election. Socialism and isolationism have failed to gain ground. The Free Trade Agreement was pushed through a brooding but humbled Canadian Senate hours before the December 31 deadline. All this is a wonderful thing, for Canada, the United States, and indeed (following the GATT debacle in Montreal in December) the world. Moreover, the economic stimulus of free trade and the structural integration it is likely to spawn make any reversal of the treaty by a subsequent Canadian government most unlikely.

But it would be erroneous to see in the outcome of the Canadian election a public ratification of FTA, about which the Canadian public remained ignorant and apprehensive both before and after the election. More likely is the explanation that Canada's vote was a disgusted electorate's ultimate censure of what is probably the most extreme display of political demagoguery seen in North America this century.

It is said of Walter Mondale's 1984 campaign that it was "interest-group liberalism in its worst possible incarnation." Well, folks, welcome to Canada, where a kinder, gentler nation is reeling from a close brush with Peronism. ☎

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Announcing...

An Antidote to

The Stanford Disease

Young America's Foundation's
11th Annual Conservative Student Conference

"One of the most successful summer time activities"
National Review

". . . invaluable"
Ronald Reagan

At Valley Forge and Washington, D.C.
July 17-27, 1989

Stanford students are no longer required to study the culture that gave them freedom. Thomas Aquinas is out. So are Dante, John Locke, Mill, and Galileo. Rastafarian poetry is in. And with it the U.N. Declaration of Human Rights, Rigoberta Menchu(?), and Marxist, Frantz Fanon. And not just at Stanford. Throughout the academic world God, country, liberty and enlightenment have been supplanted by an official ideology of intolerance, racial and class hatred, and revolution. Speakers are shouted down; sometimes attacked. College administrators confer special privileges and immunities on groups they perceive as "victims", while giving harsh discipline to students who represent traditional patriotic values.

For eleven years Young America's Foundation has helped students to fight the pervasive bias they face on campus. This year we will conduct our annual 10-day student conference in Valley Forge and in Washington, D.C. Our staff of young professors instruct students on recognizing professor and textbook biases. Congressmen and administration officials will brief students on current issues. Learn how to start your own campus publication, organize speakers programs, and to assert your legal rights in the face of official school harassment.

Join us this summer. Meet other young conservatives, see the sights of Valley Forge and Washington, and learn to be an effective spokesman for your beliefs in the classroom.

For information, please return this coupon:

Please send information on Young America's Foundation Orientation Conference and an application to:

Name: _____

Street: _____

City: _____ State _____ Zip _____

Mail to: Summer Conference, Young America's Foundation, Suite 808, 11800 Sunrise Valley Drive, Reston, Virginia 22091.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Never Trust Anyone Under 40

What Employers Should Know About Drugs in the Workplace

Robert L. DuPont, M.D.

Any organization with employees under the age of 40 should think seriously about testing its personnel for drug abuse. For the past 20 years, millions of Americans who began taking illicit drugs as teen-agers have continued their habits as they have entered the work force. Slightly more than 70 percent of all current users of illicit drugs are employed and 69 percent are between the ages of 18 and 34. There is growing evidence that the use of illegal drugs now rivals alcoholism in its devastating effects on workplace safety, performance, and morale.

Only recently have employers begun to respond to alcoholism in the workplace, primarily by using supervisor training to detect problems and employee assistance programs (EAPs) to help troubled employees find treatment. Alcohol abuse at work can cause accidents and health problems as well as absenteeism and lowered morale. The Department of Health and Human Services estimates that alcohol abuse costs industry about $65 billion a year in lost productivity, nearly twice the cost to industry of all illegal drugs combined.

Within the last decade, however, young people entering the work force have combined alcohol abuse with the use of illicit drugs, especially marijuana and cocaine. Because their effects are longer lasting and less easily recognized, because there is no characteristic odor or other sign of recent use, and because of the criminal aspects of their use and sale, these drugs pose serious problems for workers and employers.

The Costs of Drug Abuse

Drug use in the workplace is accompanied by a host of problems: an increase in health care costs for treatment of both workers and their family members, reduced productivity, increases in theft, drug sales at work, and safety threats both on and off the job.

Drug-using workers, compared with non-using workers, are three to four times as likely to have an accident on the job, four to six times as likely to have an off-the-job accident, two to three times as likely to be absent from work, three times as likely to file medical claims, five times as likely to file a workmen's compensation claim, and 25 percent to 33 percent less productive, according to estimates by the Bureau of National Affairs.

Perhaps the most dramatic example of the workplace effects of drug use was the crash of the Amtrak and Conrail trains on January 4, 1987, in Chase, Maryland, when 16 people were killed, 170 were injured, and an estimated potential liability of $100 million was incurred by the two railroads. The Conrail engineer who was responsible for the accident, Ricky L. Gates, admitted to having smoked marijuana just before driving his engine through three warning lights onto the main, high-speed corridor between Washington, D.C., and New York City. His drug use would not have been detected had it not been for mandatory post-accident drug testing. One serious implication of this accident for all employers is Conrail's potential liability for failure to detect Gates' habitual marijuana and alcohol abuse through testing before the accident.

My own practice is filled with disturbing stories of drug-related problems at work. A physician patient who said he used cocaine only on weekends broke into tears when he told me that for years he had not functioned well on Mondays and Tuesdays, being irritable and impulsive: "I just hope I didn't kill anyone because of my problem." Another patient, a 40-year-old attorney, had embezzled money from trust funds he managed, and depleted his own personal savings, including the money for his daughters' college educations, to pay for his drug habit. He avoided prison only by borrowing money from his mother to repay the funds he had taken, before the loss could be discovered by auditors.

The head of a large defense contractor called me because the wife of his deputy had come to him reporting her husband's drug problem. This man was amazed to find out how many employees had covered up his deputy's missed days at work and other failed assignments over the years. The drug-using employee hired an attorney, threatened the company president with a law suit if he required a drug test, and threatened his wife with divorce. The company president told me that the deputy

Robert L. DuPont, M.D., *clinical professor of psychiatry at Georgetown University Medical School and president of the Institute for Behavior and Health, Inc., was director of the National Institute on Drug Abuse from 1973-78.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

UPI/Bettmann Newsphotos

Random drug testing might have prevented the deaths of 16 people and the injuries of 170 in the Amtrak-Conrail crash of January 4, 1987.

had the highest available security clearance. His biggest worry about his deputy had been that he would "defect" to a competitor.

Another patient worked at a local bank and stole money for nearly a year before his scam was detected. One younger patient, still living at home but working full-time as a messenger after dropping out of college, lost control of his car and ran head-on into the Mercedes driven by a local surgeon. That doctor has been unable to work for two years because of his injuries. One of my heroin-using patients told me that he regularly sold drugs at work because he knew people there and felt safe in the places he chose to consummate his drug deals: "Besides, unlike many of my other customers, my co-workers had money to pay for their drugs and I could count on them because they didn't want any trouble." These, unfortunately, are commonplace examples of drug problems in the workplace today.

Cocaine is a special problem both in its self-destructiveness and its expense. A person can stay high on marijuana or drunk on alcohol all day for $10 or $20. Cocaine (and heroin and crack) habits run into hundreds of dollars or more a day because they are short-acting drugs to which tolerance develops rapidly, so the user escalates his dose over time. Of the employed cocaine users who call the National Cocaine Hotline (1-800-COCAINE), 70 percent are male, 61 percent white, and 93 percent between the ages of 20 and 40. Seventy-four percent use drugs at work (83 percent use cocaine, 39 percent use alcohol, and 33 percent use marijuana). Sixty-four percent say drugs are easy to obtain at work, and 44 percent say they sell drugs at work. Eighteen percent report having stolen money from co-workers and 20 percent say they have been involved in a drug-related accident at work.

Random Testing: Impartial and Effective

Although drug problems in the workplace are nothing new, drug testing at work is—and it has been met with a great deal of controversy. The technology requires urine, a substance most people are not accustomed to giving their employers, and it detects behavior that may have gone on away from the work site. Drug testing comes in many forms, with most companies starting with pre-employment testing, moving to reasonable cause testing (for example, for apparent intoxication, changed behavior, or accidents on the job) and periodic testing (at the time of annual physicals, when promoted, or when moving to a safety- or security-sensitive job). The least widely used but fairest and most effective drug testing technique in the workplace is random testing, or testing employees without individualized suspicion. With random testing the employee is subject to drug testing at any time while on the job, with no more than a few hours' notice.

When companies conduct pre-employment drug tests, they find between 10 percent and 40 percent test positive for illicit drug use, with about two-thirds of the positives being for marijuana. About one-fifth of all positive tests

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

OSHA: Conscientious Objector in the War on Drugs

Jeffrey A. Eisenach

On January 13, in what the *Washington Post* called "one of the most sweeping regulatory actions in history," the Occupational Safety and Health Administration (OSHA) added 164 compounds to its list of hazardous substances and tightened standards for the 212 chemicals already on the list. OSHA now actively regulates workplace exposure to 378 compounds, including various types of ink, dry cleaning fluid, and grain, cotton, and wood dust.

What is most interesting about OSHA's list, however, is not the chemicals that are on it, but some of the ones that are not, specifically, cocaine, PCP, heroin, and marijuana.

The Occupational Safety and Health Act of 1970 requires OSHA to "assure so far as possible every man and woman in the Nation safe and healthful working conditions." In 1981, the Supreme Court ruled that the obligation required OSHA to regulate safety and health "to the extent feasible," without regard to the benefits it created or the costs it imposed on the economy. OSHA hardly needed the encouragement: In its 19-year history it has published handbooks for farmers on how to milk cows, established design standards for toilet seats and ladders, and issued fines for failure to hang fire extinguishers at the specified height above the ground. Once OSHA focuses on a regulatory target, benefit/cost ratios have seldom stood in the way.

What OSHA apparently has never done is address the issue of drugs in the workplace. Yet, there is powerful evidence to suggest that drugs may account for a substantial portion of workplace accidents. As Robert DuPont points out in the adjacent space, drug users are thought to be at least three times as likely as nonusers to be involved in on-the-job accidents. The National Institute on Drug Abuse estimates that nearly one in four employed males between 18 and 24 use marijuana at least once a month. A recent Gallup Poll found that 68 percent of companies with drug-testing programs have had incidents of drug abuse in the last year. And a 1987 survey of the construction industry found that drug abuse increases workers' compensation costs by as much as 17 percent. On the basis of less data than this, OSHA has been ready to regulate entire industries.

OSHA's history is at best uneven, at worst a case study in government run amok. There are good reasons to hesitate before suggesting it do anything. But, assuming it is going to do something, there probably is no area in which it could do more good (or less harm) than in the area of drug abuse. At a minimum, OSHA should undertake a serious study of the relationship between drugs and workplace accidents, including investigating serious accidents and fatalities for evidence of drug use. Second, it ought to explore what kinds of private sector responses are most effective in reducing drugs in the workplace, and identify public impediments (for example, state laws regulating the use of urine testing) to the employment of these tools. Finally, to the extent there is reason to believe that public impediments or market failures are preventing the private sector from responding, OSHA should consider regulations aimed at reducing drug-related injuries in industries with the worst drug problems.

Jeffrey A. Eisenach is *president of the Washington Policy Group and visiting fellow for drug policy at The Heritage Foundation.*

are positive for cocaine, with the remainder positive for other nonmedical drug use, most commonly amphetamines and tranquilizers. Many positive urine samples demonstrate recent use of more than one drug. Companies that test current employees on a random basis often find that 5 to 15 percent of their initial tests are positive. Once a strong drug abuse prevention program is in effect the positive rate for pre-employment tests often falls below 10 percent and the positive rate for random testing falls to below 5 percent.

Random testing, pioneered in the military, is now being widely adopted by some federal agencies and federally regulated industries including nuclear power plants, public transportation, and defense contractors. Although random testing is impartial and effective as a deterrent and, failing that, in detection, it is uniquely controversial, drawing the fire of the American Civil Liberties Union and many labor organizations.

Contrast with Alcohol

The single most important scientific issue separating the two camps on random testing is whether trained supervisors can detect drug-caused impairment at work. If they can, then random testing is not needed. If they cannot, then there is no alternative to random testing if drug use at work is to be curtailed. Even after 20 years of clinical experience, and after review of what is, at this point, still preliminary research, I know that I cannot detect drug-caused impairment in my own patients without urine tests. If virtually all drug treatment professionals require, as I do, drug tests for this reason, then how can a supervisor at work detect drug use when he has no reason to suspect a particular employee?

Most people, even many experts in the drug abuse field, use alcohol as their model for thinking about drug abuse prevention in the workplace, particularly when it comes to the identification of impairment. This model is as misleading as it is familiar. Alcohol use is relatively easily detected without breath or blood tests, especially by the trained observer. Even for alcohol, however, once recent use has been suspected, breath or blood tests are needed to identify that use with certainty. It is surprising to many people that trained observers sometimes fail to identify even high levels of alcohol use. However, it is the contrast between alcohol and other drugs that needs to be understood: alcohol smells and makes users stagger, drugs do not.

There are two types of drug-caused intoxication; both cause impairment in the workplace. Type One impairment, exemplified by alcohol intoxication, produces disturbances in the primitive centers of the brain affecting coordination, balance, speech, and fine movements, and can be readily detected. With training, supervisors and police can even quantify the degree of alcohol intoxication by checking body sway and nystagmus (flicking of the pupils when looking laterally). Type One intoxication may also occur in a new or infrequent user of marijuana, causing uncontrolled, exaggerated laughter and a loss of motor coordination. Other illegal drugs, such as cocaine in high doses, also can produce short-term, discernible Type One impairment.

Type Two intoxication, which typically is produced by

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

cocaine, marijuana, and amphetamine use, lasts much longer and is harder to detect by trained supervisors or even by doctors. It is nonetheless profoundly important at work. Although Type Two intoxication leaves the more basic brain functions of speech and motor coordination relatively unaffected, it impairs the higher functions of judgment, decision-making, memory, and other complex abilities needed to perform work safely and effectively. Type Two intoxication can profoundly affect motivation and is often particularly severe with heavy or frequent use of illicit drugs.

However, the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, in its official diagnostic criteria for alcohol, marijuana, and cocaine intoxication, shows that cocaine and marijuana use cannot be identified until after maladaptive behavior (fighting or paranoia) has occurred.

Type Two intoxication is particularly insidious in that the affected employee often cannot himself recognize its existence, to say nothing of the impact such intoxication has on his ability to work safely and efficiently. This difficulty becomes more pronounced when the job requires motivation, concentration, quick reaction, and judgment. A properly administered drug screen urinalysis may be able to discover drug use that impacts on an employee's job performance even though such an impact would not be readily apparent to a trained observer or to the affected employee.

Chronic Drug Effects

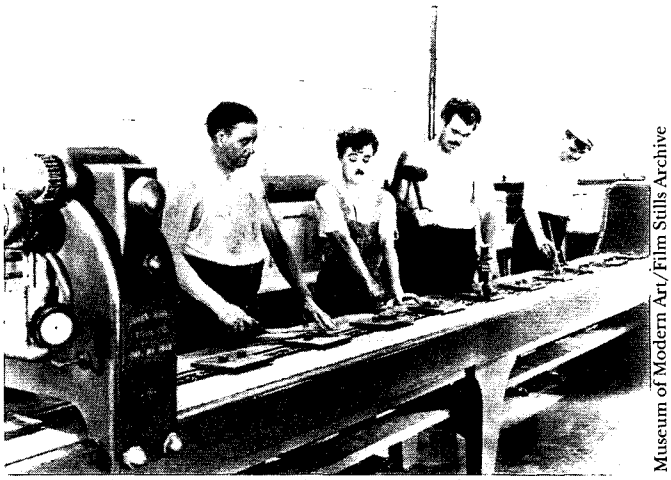
Besides the distinction between Type One and Type Two impairment, there is another distinction to be made in considering impairment at work, and that is the time relationship between drug use and impairment. Acute impairment, which occurs within a few hours of use, is exemplified by alcohol intoxication. Another kind of impairment is caused by carry-over effects. A useful example is the hangover, where the alcohol is gone but the effects of heavy drinking (headache, fatigue, fuzzy thinking) are not. Other drugs, including marijuana and cocaine, have the same effect: after the high comes the low and in this state the user is often impaired at work.

Drug use can also cause chronic effects that persist weeks, months, or even years after drug use has stopped, such as cirrhosis of the liver caused by heavy drinking. Marijuana users may experience loss of motivation and memory; cocaine users may suffer depression and perforated nasal septa. Former drug users commonly report that their work performance was adversely affected for days, weeks, or even months after their last use of marijuana, PCP (phencyclidine), or cocaine.

Losing Brain Cells

An important finding for industrial operations is that serious skill impairment has been detected for hours and even for days after the smoking of a single marijuana cigarette. Several separate studies have found that marijuana has serious, long-lasting effects on the brain—some, such as loss of brain cells, may even be permanent.

Recent studies have also confirmed that marijuana impairs recall and diminishes short-term memory. An employee subject to such diminished memory may have difficulty recalling previous safety instructions and emergency directions.



Museum of Modern Art/Film Stills Archive

Drug-using workers are three to four times as likely to have an accident on the job, two to three times as likely to be absent from work, and three times as likely to file medical claims.

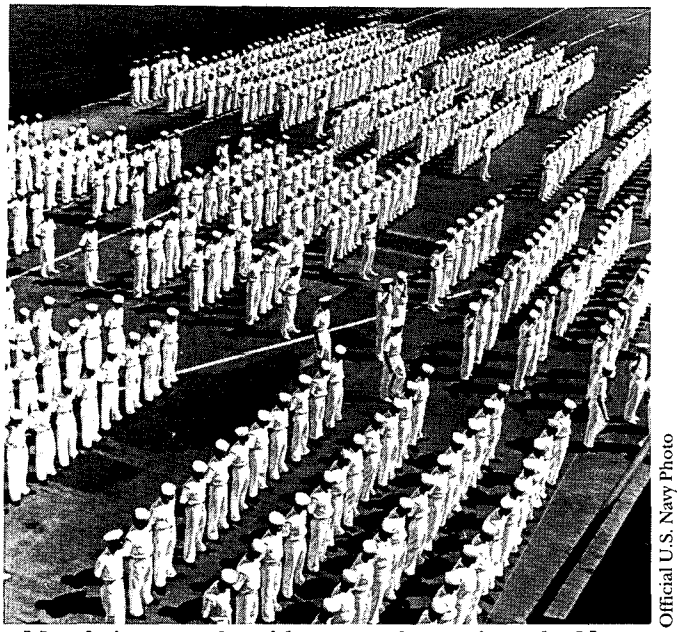
Detecting Impairment without Drug Testing

Some employers, concerned about drug-abuse problems in the workplace but not wanting to subject all employees to urinalysis, have proposed employing direct measures of impairment, such as neurophysiological tests, as a first step toward identification of drug-caused impairment. Once impairment has been identified, then a drug test is indicated. In some ways this is similar to the common practice of highway patrol officers who first smell the driver's breath, and then, if the odor of alcohol is detected, ask him to walk a straight line and complete other simple tests. Only those drivers who fail these tests are subjected to breath tests for alcohol use. Those who fail the breath tests are sent for blood alcohol tests. This experience with alcohol has encouraged the search for complex neurophysiological tests for drug-caused impairment in the workplace.

There are profound problems, however, with the use of neurobehavioral tests to measure drug-caused impairment without drug testing. First, these tests have not been conducted with illegal drugs, so there is no way to demonstrate that they measure the mental dysfunction caused by marijuana or cocaine use. More fundamentally, there is no way to show that what these tests measure (reaction time, hand-eye coordination, brain wave activity) correlates with the functions that an employer may most want to remain unimpaired (judgment, memory, and the higher cognitive activities).

Second, the necessity of establishing a baseline for each worker against which future neurophysiological test results would be measured introduces virtually insurmountable difficulties. For example, scores curve upwards with practice even under identical psychophysiological conditions because of learning effects. Also, the baseline must be established when the worker is functioning at a "normal" level. A test baseline designed to measure impairment not detectable by a trained super-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



Official U.S. Navy Photo

Morale is up, and accidents are down, since the Navy started random urine testing.

visor is useful only if it is known that the test-taker is not impaired at the time of the baseline test: this is, by definition, an impossibility without urine or blood testing. Such pre/post testing would permit a drug-using employee to lower his baseline score so that later tests will not show decreases in functioning, even if the employee is using drugs when re-tested.

Third, these neurophysiological tests purport to measure impairment that can be caused by numerous factors. Cognitive impairment of worker performance may be caused by a wide variety of sources including emotional distress, neurological or organic diseases (such as Alzheimer's disease), and poor general physical health. Thus, a "positive" neurophysiological test could result from events unrelated to illegal drug use about which a person might not want to inform his employer (a death in the family, an automobile accident on the way to work, or a neurological disease).

Fourth, neurophysiological tests focus on the general intoxication produced by alcohol, but not on the more subtle (but no less profound and no less work-related) Type Two intoxication. Even in the area of Type One intoxication, however, these tests are far from satisfactory in the work setting. Not only are they not necessarily specific to the tasks of particular workers, but some workers who have not used drugs (and who work effectively) cannot pass the tests and some intoxicated workers can.

Also, any positive biobehavioral test will have to be followed by a drug test to make a final diagnosis. Thus, such tests of impairment only insert an unreliable and often irrelevant step in the process of identification of drug use at work, adding to the complexity and expense of drug abuse prevention without concomitant benefits.

These facts have led most researchers away from the search for tests for work-related behavioral impairments and toward highly specific and direct drug testing to identify the presence of drugs or drug byproducts in the body of the worker. This direct approach to drug testing is far less complex and arbitrary, and establishes a standard that is both easy for the worker to understand (one must be drug-free to work) and relatively easy to administer. Direct drug testing is also amazingly accurate when proper security measures are taken. Urinalysis has been widely used in clinical settings, such as drug treatment programs, for more than 20 years. The technology used now in drug testing is the pinnacle of modern biotechnology and can reliably identify a drug substance at a level of one part per billion—the equivalent of picking out and accurately identifying a single quarter in a string of quarters lined up next to each other from Washington, D.C., to Sydney, Australia.

For-Cause Tests

In highway law enforcement the ultimate standard against which various outcomes, including legal punishments, are judged is the blood alcohol content level or BAC, a specific, objective measure of alcohol level in the body. No driver is punished on the basis of how crooked or how straight the line is he walks for the police officer. Unfortunately, there is no simple measure of concentration of drugs or drug metabolites that corresponds to the measure of alcohol in the blood.

Because many people concerned about drug-caused impairment in the workplace think in terms of the alcohol model, there is much confusion about the use of drug testing to detect impairment. Alcohol, a single, simple chemical that is distributed rapidly and equally throughout the body, is relatively quickly metabolized to water and carbon dioxide in the liver. Other drugs are not evenly distributed throughout the body and are often retained in fat-containing tissues (including the brain) so that they reach the liver very slowly to be metabolized into breakdown products for elimination in the urine. This means that the effects of other drugs are often more prolonged and that the drugs and their metabolic breakdown products are excreted in the urine over a longer period of time. It also means that there is no simple relationship between urine or even blood levels of these drugs and their effects on the user's behavior.

For illegal drugs, the closest equivalent to the BAC is the "cut-off" level used by laboratories doing urine tests. However, unlike BACs, these cut-off levels do not correspond in a simple, direct way to measurable impairment and they are influenced by many extraneous factors, such as how much water the person drank just before being tested. Thus, these tests for illicit drug use are typically interpreted as either being positive or negative for recent drug use, not as a quantitative measure of drug substance in the user's body, much less in his brain.

Because of the absence of easily applied objective criteria to determine the degree of impairment, the only scientifically sound approach is to establish a per se definition of impairment. That is to say, if a urine test indicates recent illegal drug use, then it also indicates that these drugs are present in the user's brain and pose an unacceptable risk of impairment at work.

The best way to enforce this per se standard is random urine testing. While it is attractive to think that a for-cause testing program would provide a strong deterrent to drug

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

use in the workplace—and surely such a drug testing program is far better than none at all—in practice, for-cause drug testing works less well than would be expected. First, drug users deny their drug-caused problems, including impairment at work. They typically assume that they will not appear to be impaired, and so do not change their drug use habits.

In addition, supervisors trained and encouraged to test workers they think are impaired by drug or alcohol use seldom request a drug test of any employee because there are no clear indicators of drug-caused impairment. Many employees suspected of being drug-impaired prove, on testing, to be drug-free. The supervisor quickly learns to stop asking for tests, since by asking for a drug test he is asking for trouble—the suspected employee rarely interprets for-cause testing as a friendly act.

Most important, many supervisors and higher-level managers do not want to find drug problems in their work force, and are therefore reluctant to order for-cause testing. Many companies with thousands of employees conduct only 10 or 20 such for-cause tests a year. As a result, for-cause testing is all too often a paper drug abuse prevention program that has little effect.

Even when companies conduct for-cause testing, and even when it identifies drug use, there is often an appeal by the employee that may reach the level of a labor arbitration or even a court trial. It is common for the supervisor to be unable to substantiate the reason for initial drug testing: either the grounds were flimsy or the employee's attorney was able to show that his client was arbitrarily singled out for testing. In either case, the positive test result may be tossed out and the employee reinstated.

These problems are all solved by random testing, which is fair and impartial. Random testing also does what for-cause testing cannot: deter drug use by making clear to every employee that every day at work he or she may be tested.

Flying High

The Navy experience illustrates why for-cause testing alone has proven inadequate. For many years the Navy took the position that its commanding officers knew their men and that they would spot any drug problems. The Navy had a "commander directed" or for-cause testing system in effect in 1981 when an airplane crashed on the *Nimitz* aircraft carrier causing several deaths. When this accident was attributed to drug use, the Navy, shocked out of its complacency, studied its personnel and found that 48 percent of its enlisted men under 25 were using illegal drugs. As a result, the Navy instituted random urine testing and over the next six years positive tests gradually fell to the current level of about 3 percent.

Perhaps the best part of the Navy experience is that drug use declined without wholesale disciplinary measures. Relatively few servicemen were treated for drug problems. The vast majority of Navy personnel who had used drugs were not separated from the service. The military personnel simply stopped using drugs because they had a strong reason not to continue: random testing. The Navy, and other military services, now test all personnel randomly an average of three times each year. The Navy has since enjoyed rising morale and higher enlistment and reenlistment rates.

Even after 20 years of clinical experience, I cannot detect drug-caused impairment in my own patients without urine tests.

Ricky Gates Lessons

Ricky Gates, the engineer on the Conrail train that pulled into the path of the speeding Amtrak train in 1987, pleaded guilty to using marijuana just before the crash and has been sentenced to prison for this crime. People who saw Mr. Gates just before he began driving that train said he did not look unusual. But a system of random testing of all employees would have detected Mr. Gates' marijuana use months or even years before the accident and he probably would have been rehabilitated or fired long before that January date with tragedy.

It is possible, but far from certain, that such a policy would have prevented his smoking marijuana altogether by giving him a compelling reason to quit marijuana use without rehabilitation and without being fired. That was the clear lesson from the Navy experience: the biggest result of random drug testing is prevention. Those who argue that such a program is punitive or that it is an invasion of privacy need, I think, to consider Ricky Gates. Would Mr. Gates have been harmed by being tested for drugs? How many negative tests of how many workers at Conrail would have been justified by saving those lives? Some will read these words and conclude that testing is justified for safety-sensitive positions such as train operators.

But what about physicians? Are they less safety-sensitive than train operators? How about drug-abusing secretaries in offices and maintenance workers in plants? How much does their work matter? What about the interests of their co-workers? What about your employees?

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Clean Profits

Using Economic Incentives To Protect the Environment

Robert N. Stavins

The new breeze blowing in Washington is carrying with it fresh consideration of a promising breed of unconventional environmental policies—ones that embrace market forces, not just as an element of the problem, but also as a fundamental part of the solution. While conventional approaches to environmental problems have in some cases been effective in the past, when faced with today's problems they tend to pit economic and environmental goals against one another, producing paralysis rather than progress. Economic-incentive approaches, on the other hand, make the market a partner, rather than an adversary, in the search for environmental protection. As a result, such approaches can help break political logjams and facilitate real progress on various environmental fronts. While such market-based mechanisms are no panacea for the country's myriad environmental problems, these innovative approaches merit serious consideration as a supplement to the existing policy framework.

It is now nearly two decades since Earth Day marked the beginning of the modern environmental movement. In the intervening years, a host of environmental laws and regulations have been enacted, and substantial gains have been made: in many spheres, the environment *is* cleaner now than it was before. But the U.S. and the world continue to face numerous environmental threats—both newly recognized problems, such as global climate change, indoor air pollution, and ground water contamination; and ongoing threats from acid rain, urban smog, and public land degradation.

In many instances, we seem to have little trouble identifying our environmental goals; the problem has been designing effective mechanisms for achieving those goals. With this in mind, Senators John Heinz (R-Pa.) and Timothy Wirth (D-Colo.) initiated and sponsored Project 88, a bipartisan effort to find innovative solutions to major environmental and natural resource problems. Although Senators Wirth and Heinz do not necessarily endorse each and every idea presented, they state that the report's ideas deserve serious and timely consideration. Fifty individuals from academia, industry, the environmental community, and government worked on the project. The final report of Project 88, "Harnessing Market Forces to Protect Our Environment—Initiatives for the New President," describes innovative measures to address major environmental and natural resource problems. Most enlist marketplace forces and entrepreneurial ingenuity, either to deter pollution or to reduce resource degradation. The report emphasizes practical employment of economic forces to achieve heightened environmental protection at lower overall cost to society. At the same time, however, it recognizes that not all environmental problems are amenable to incentive-based approaches.

There was a time when the only serious consideration given to market-oriented environmental-protection policies was by economists (in academia, government, and the private sector), but a new environmentalism that embraces these approaches is emerging. The Environmental Defense Fund was first among the major, national environmental organizations to advocate incentive-based policies; now there is growing interest in these approaches among other groups as well. As Peter Passell wrote in the *New York Times* last October 19, "the senators' imprimatur confers a new political legitimacy on economists' ways of thinking about environmental problems."

Least-Cost Protection

The notion of a free market in the environment has long been anathema to environmentalists, who correctly view economic activity as the principal source of environmental pollution. But there is an obvious difference between allowing imperfect market forces to continue to degrade the environment and harnessing the awesome power of our decentralized market economy in the cause of least-cost environmental protection.

The approaches embodied in the Project 88 report call for substantial changes in the nature of government regulation, but not for the abandonment of regulation per se. For example, under the tradeable permit

Robert N. Stavins *is assistant professor of public policy at the John F. Kennedy School of Government, Harvard University, and an associate of its Energy and Environmental Policy Center. He is staff director of Project 88.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

mechanism described below for acid rain control, the federal government would have responsibility for ensuring the liquidity of the secondary market in permits. This contrasts with the government's current role in conventional anti-pollution programs, in which it judges the suitability of specific control technologies for diverse sources of emissions. This represents an important change in the nature of government activity in the environmental area, but is by no means an abrogation of the government's essential role. The Project 88 recommendations build upon the environmental safeguards already in place; the changes envisioned are evolutionary, not revolutionary.

The Project 88 report does not propose a free market in the environment. Instead, it recommends that once tough environmental goals are set, mechanisms that take advantage of marketplace forces should be designed for achieving those goals. Project 88 steps away from ongoing debates over specific environmental goals, to focus instead on finding better mechanisms for achieving whatever standards are set.

Because environmental issues continue to rank high among the priorities of Americans of all political persuasions, the administration has the opportunity to forge a strong bipartisan consensus in favor of sensible environmental protection and wise use of natural resources.

Pricey Status Quo

The nation's environmental and natural resource policies have evolved over two decades in response to an array of perceived threats. As new dangers have arisen, the cost of enforcing even existing policies has escalated. Given the magnitude of current budget deficits, it is less and less likely that we can increase environmental protection simply by spending more on existing programs and policies. Environmental protection must become cost-effective if the country is to build and maintain international competitive strength along with a better environment.

Channeling the forces of the marketplace into environmental programs can create economic incentives (and disincentives) that make the everyday economic decisions of individuals, businesses, and government work effectively for the environment. This does not mean that environmental goals should be set according to exclusively economic criteria. The Project 88 report does not recommend the use of benefit-cost analysis, or setting dollar values on environmental amenities or human health.

Market-based environmental policies can increase environmental protection and economic productivity by providing incentives for business and individuals to go beyond what regulators can require. Developing such proposals in detail and putting them into action will be a complicated and difficult enterprise, but this challenge must be met. Public demand for a high-quality environment is both widespread and strong. Opinion polls consistently indicate that public concern over environmental quality has remained firm during energy crises, economic downturns, and tax revolts.

Neither the federal government nor our economy as a whole will be able to afford higher environmental standards unless we find means that provide the most protection possible for every dollar. The conventional approaches of setting uniform standards or requiring specific control technologies are unnecessarily expensive.

Internalizing Costs

A key to reducing inefficient natural resource use and environmental degradation is to ensure that consumers and producers face the true costs of their decisions—not just their direct costs, but the full social costs of their actions. Some of the economic-incentive systems that do this are: tradeable permits for industrial pollutants; pollution charges; deposit-refund systems for containerized hazardous wastes; least-cost bidding at utilities for greater energy efficiency; removal of market barriers that promote inefficient resource use; and removal of unwarranted subsidies of environmentally destructive activities.

Tradeable permit systems set an allowable overall level of pollution and then allot companies permits "allowing" them to pollute a limited amount. Firms that keep emission levels down may sell their surplus permits to other companies. Charge systems impose a fee or tax on pollution. Because they pre-determine a minimum cleanup level, tradeable permit systems are generally preferable to pollution taxes, where it is difficult to estimate the ultimate environmental impact. Market systems do not have to begin or stay at the status quo; they can issue initial permits for some fraction of current emissions and give permit holders a deadline to get there. They can also move toward stricter standards.

Market-based environmental policies can give businesses and individuals an incentive not just to meet regulatory requirements but to go beyond them.

At a time of concern about international competitiveness, such incentive-based approaches can provide huge savings and increases in productivity. For example, a market-based approach to acid rain reduction could save companies $3 billion per year, compared with the cost of a dictated technological solution, according to a study conducted by the Environmental Protection Agency (EPA). Incentive-based policies need not be any more expensive for the government to administer than conventional regulatory methods. In fact, such systems encourage firms to monitor the pollutant-emitting activities of other firms—a manifestation of the discipline of a competitive market. Nevertheless, environmental protection cannot be achieved without significant government expenditures, since no program of controls can be effec-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Reynolds Metal Company

Recyclers should be allowed to bid for waste management contracts.

tive without a commitment to monitoring and enforcement.

Most important, economic-incentive approaches allow greater levels of protection for any given aggregate cost of control. Rather than dictating to enterprises how they should manufacture their products, incentive-based systems impose a cost on pollution-causing activities, leaving it to individual firms to decide among themselves how to achieve the required level of environmental protection. Market forces will drive these decisions toward least-cost solutions and toward the development of new pollution-control technologies and expertise by the private sector.

Incentive-based approaches have an added benefit; they can make the environmental debate more understandable to the general public. Because they do not dictate a particular technology, these approaches can focus attention directly on the selection of environmental goals, rather than on complex questions concerning technological alternatives for reaching those goals.

Reasonable concerns exist, particularly within the environmental community, regarding the design and implementation of economic-incentive programs. The sensible response is neither blind retention of the status quo nor total abandonment of the present system. We need to adapt, not abandon, current programs and build on America's and other industrialized nations' initiatives with market-based policies. Clearly, market-oriented policies will not fit every problem, and the best set of policies will involve a mix of market and conventional regulatory processes.

Sensible Criteria

The policies recommended in the Project 88 report are practical and politically feasible. They deliver improved environmental quality at reasonable cost and are consistent with American traditions favoring voluntarism over government coercion. The full report describes 36 policy recommendations for 13 major environmental and natural resource problems. A small sample of those recommendations are briefly outlined below.

For each environmental and natural resource problem examined, a variety of possible policy responses were considered. Alternative policies were assessed according to nine major criteria:

- Will the policy effectively achieve environmental goals?
- Will the policy achieve environmental goals at the least cost to society at large?
- Will the policy provide government agencies with needed information?
- How easy (or costly) will monitoring and enforcement be?
- Will the policy be flexible in the face of changes in tastes, technology, or resource use?
- Will the policy give industry positive, dynamic incentives to develop new, environment-saving technologies?
- Will the economic effects of the policy be equitably distributed?
- Will the policy be broadly understandable to the general public?
- Will the policy be feasible, both in terms of legislative enactment and in terms of implementation?

Global Warming

Problem: The Greenhouse Effect and Climate Change. There is a strong possibility that significant global mean temperature increases may occur during the next several decades as the result of the "greenhouse effect," associated with emissions of carbon dioxide, methane, nitrous oxide, and chlorofluorocarbons (CFCs). Global climate changes unprecedented for their speed of occurrence may result, including changes in precipitation patterns, storm intensities, and ocean levels.

Recommendation: Fund research on causes and consequences of global warming and on specific adaptation and prevention strategies. Federal support of basic scientific research is needed in this area. Long-term research goals should include the identification of effective, efficient, and politically viable strategies—whether based upon prevention, adaptation, or some combination of the two.

Recommendation: Prevent deforestation through debt-forest swaps. Common interests among developed and less-developed countries (LDCs) could be furthered by extending the concept of greenhouse gas (GHG) "offsets" into the international arena through "debt-for-forest swaps." Maintaining (rather than burning) tropical forests can constitute a significant source of GHG reductions; and voluntary debt-forest swaps will benefit debt-burdened LDCs.

Smog and Acid Rain

Problem: Local Air Pollution. As a result of 20 years of federal attention to local air pollution problems, there have been substantial improvements in air quality in most parts of the country. Nevertheless, more than 100 million Americans remain exposed to excessive smog (ambient ozone) levels for at least some period each year, and some 70 urban areas lack adequate local plans to reduce levels to meet current standards.

Recommendation: Implement tradeable permits for stationary

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sources. EPA's initiatives with "emissions trading," whereby firms that reduce emissions below the level required by law receive "credits" that can be used to allow greater emissions elsewhere, have already saved the country an estimated $5 billion in air pollution control costs over the last several years, with equal or better environmental progress, according to the U.S. General Accounting Office. A logical extension is a comprehensive system of Marketable Emissions Permits, whereby firms that can reduce discharges below permit levels can sell part of their permitted surplus to other firms; likewise, firms for whom compliance is relatively expensive can meet standards by buying additional permits. Under this approach, firms will have financial reasons to reduce beyond (not merely to) required levels, and air quality goals will be achievable at lower overall cost.

Problem: Acid Rain. The environmental consequences of acid rain appear to be escalating, but Congress has been unable to enact effective policy responses—with the exception of Clean Coal Technology and related programs designed to help utilities meet emission standards without abandoning high-sulfur coal. Though many factors lie behind this failure, concern has focused on cost considerations and attendant social disruption, especially for high-sulfur coal-mining and coal-burning communities in Appalachia and the Midwest.

Recommendation: Initiate an Acid Rain Reduction Credit (ARRC) program. Patterned after EPA's emissions trading program, this economic-incentive approach to acid rain control offers a cost-effective and equitable solution to this seemingly intractable problem. Any utility or other polluter that reduced its emissions below legal requirements could use its "excess" reductions at other locations, or sell them to other firms whose pollution control would be especially costly. Such trading would channel pollution-control investment into the locations where it would be most cost-effective. Acid rain reduction goals could be met at much lower cost than would otherwise be possible, saving up to 50 percent annually ($3 billion per year), according to EPA. If initial permits were auctioned, revenues can be used to finance the installation of retrofit and clean coal technology through federal cost-sharing arrangements (in areas that currently use high-sulfur coal). The efficiency properties of the ARRC program could be combined with equitable protection for communities that are economically dependent upon the high-sulfur coal industry.

Energy Efficiency

Problem: Threats to energy security and environmental quality. Crude petroleum accounts for over 40 percent of the nation's energy needs; during the past 20 years, an increasing share of the crude oil used in this country has been provided by imports. Attempts to obtain domestic energy security through offshore and public-lands drilling will be opposed by environmental groups. Instead, the United States should pursue increased energy efficiency and alternative fuel use.

Recommendation: Increase energy efficiency through comprehensive least-cost bidding at electrical utilities. Opening U.S. power markets to allow conservation, peak-load pricing, and other methods of demand-management to compete

USDA, Forest Service

The Forest Service's below-cost timber sales have cost the Federal Treasury nearly $3 billion over the past six years.

head to head with power production is a market-oriented approach that some states have already taken. Systems of comprehensive least-cost bidding will substantially increase the efficiency of energy production.

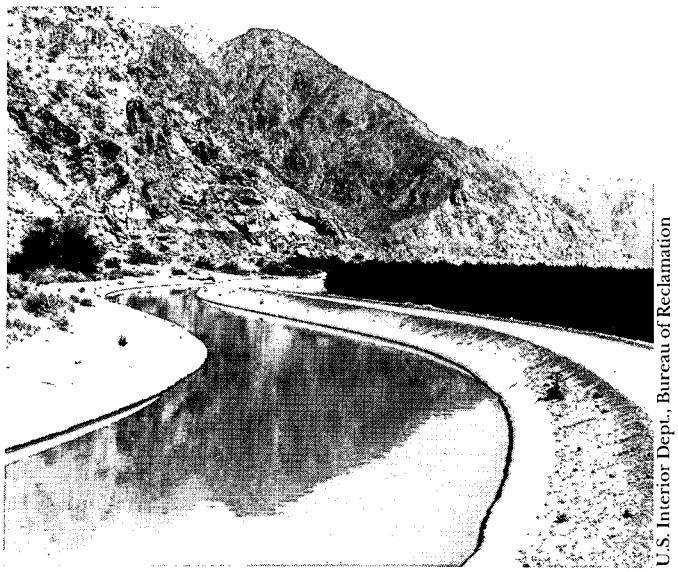
Recommendation: Provide incentives for vehicle efficiency and alternative fuels. Increasing the efficiency of motor vehicles should receive high priority because of the near-total reliance of the transportation sector on petroleum and its derivatives. Any regulatory initiative should be coupled with a program to increase the tax on "gas guzzlers," the revenues providing for rebates to purchasers of very efficient vehicles—"gas sippers."

Protecting Water Supplies

Problem: Inefficient water allocation and potential water shortages. If current practices continue, water shortages may become commonplace in the U.S. within the next two decades. Current policies do not give users incentives to take actions consistent with economic and environmental values of water resources, and result in grossly inefficient use of existing supplies, since policymakers do not experience the true costs of their water-use decisions.

Recommendation: Remove barriers to water markets. Measures that facilitate voluntary water transfers promote more efficient allocation and use of scarce water resources and curb the need for expensive and environmentally disruptive water-supply projects. There is increasing inter-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



U.S. Interior Dept., Bureau of Reclamation

The time has come for the federal government to remove barriers to voluntary water marketing.

est in voluntary water transfers (water marketing) throughout the western United States. Following up on a 1983 proposal by the Environmental Defense Fund, the Metropolitan Water District (MWD) of Southern California recently completed five years of negotiation with the Imperial Irrigation District (IID) and reached a $230 million agreement whereby MWD will finance the modernization of IID's water system in exchange for use of conserved water. The time has come for the federal government to remove barriers to voluntary water marketing by allowing sales of water rights and by establishing rules to protect public and other third-party uses.

Problem: Degradation of surface and ground water quality. Most water pollution control laws and regulations in the U.S. have been directed exclusively at point sources, such as factories and municipal waste-treatment facilities. Dispersed, nonpoint sources—including farms and urban runoff—have not been adequately addressed, partly because such sources are much more difficult to control, especially by conventional methods. An increasingly serious problem is the contamination of ground water supplies by seepage of hazardous chemicals stored in dump sites and municipal landfills, leaks from underground storage tanks, highway runoff, and infiltration of pesticides and fertilizer residues.

Recommendation: Focus the Conservation Reserve Program (CRP) of the U.S. Department of Agriculture on water quality problems. The CRP is a land-retirement scheme that seeks to reduce soil erosion, while controlling supply of surplus agricultural commodities. At present, to qualify for the voluntary program, land must be devoted to an approved (non-erosive) use, with the government paying half the establishment costs. While the CRP represents an improvement over past soil conservation efforts in that it focuses on highly erosive cropland, the program should be focused more directly on improving surface and ground water quality. Farmers have an important incentive to guard against the on-site consequences of soil erosion—declining crop yields. But the off-site consequences of soil erosion are typically ignored by landowners. To broaden eligibility criteria for the CRP to include lands that cause contaminated runoff would be an important step toward control of nonpoint-source water pollution.

Recommendation: Implement tradeable discharge permit systems for point sources. Existing approaches to point-source control, while holding each source to specified limits, do not restrain the total volume of discharges within a basin. Where there is a concern, the establishment of an overall watershed limit and the implementation of tradeable permits will be the most effective and efficient way of achieving water quality goals.

Timber and Wetlands

Problem: Management of the Public Lands. The federal lands of the United States contain valuable natural resources, such as timber, minerals, oil, natural gas, and forage for livestock. They also hold a precious endowment of environmental resources, including wilderness, fish and wildlife and their habitats, watershed values, free-flowing rivers, scenic beauty, outdoor recreational opportunities, and untapped scientific information. At the least, public lands should be managed to provide benefits that private lands are unlikely to produce in our market economy. Sound management of these public lands is seriously impeded, however, because costly subsidies exist for a few extractive industries at the expense of the public's interests in environmental values and outdoor recreation.

Recommendation: Reduce government subsidies. The largest subsidy, and the one most in conflict with environmental values, is that given to timber sales in remote, unroaded areas of the national forests. Low-value timber is frequently sold in environmentally and recreationally valuable areas where road building to reach and harvest timber is expensive and damaging. Below-cost timber sales—where the Forest Service does not recover the full cost of making timber available—have cost the Federal Treasury nearly $3 billion over the past six years. Gradual removal of the subsidies would foster protection of the environment, decrease federal expenditures, and increase net revenues.

Problem: Depletion of Wetland Resources. For 200 years, wetlands have been drained, cleared, and filled for agricultural, municipal, and industrial uses. In their natural state, wetlands also produce significant benefits—regulation of water flows, filtration and purification of water, and provision of habitat for flora and fauna. Wetland losses now average 450,000 acres annually, an area half the size of Rhode Island, with agriculture accounting for nearly 90 percent of recent conversions.

Recommendation: Institute market incentives to reflect wetland values. Subsidies that promote economically inefficient and environmentally unsound development should be removed. Among the policy initiatives to consider are ending totally subsidized construction of federal flood-control and drainage projects, eliminating favorable tax treatment of wetland conversion, and implementing cross-compliance legislation linked to receipt of federal commodity program payments, whereby farmers lose eligibility for agricultural programs if specified wetland-protection laws are violated.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Recommendation: Improve use of environmental impact statements. Federal flood-control and drainage projects provide strong financial incentives for private landowners to convert their wetland holdings to dry croplands. These impacts should be candidly assessed through the Environmental Impact Statement process. Impact areas must be correctly defined to include all areas where drainage and clearing are (economically) induced.

Waste Management

Problem: Solid Waste Management. Throughout the country, old landfills are filling up, and it is becoming increasingly difficult to find sites for new landfills. Giant garbage incinerators are bringing with them giant bond issues representing burdensome investments for many communities. Incinerators produce their own set of environmental hazards, including hazardous air emissions and toxic ash.

Recommendation: Implement policies that allow recyclers to compete. The vast majority of our garbage is recyclable. The critical question is whether recycling makes economic sense. Recycling's most important economic benefits typically come from reducing the quantity of garbage that must otherwise be collected and disposed, not from revenue from sales of recycled materials. If communities are to adopt efficient solutions to their solid waste management problems, recycling must be considered along with other alternatives. The bidding process for municipal waste management should be opened to all alternatives, by specifying outputs and results rather than specific techniques. In this way, communities will have incentives to compare the costs of recycling with the avoided costs of conventional surface disposal.

Problem: Presence of Toxic Substances in the Environment. Although federal legislation nominally encourages toxic-waste source reduction, the actual focus of regulation has been on controlling pollution at the "end of the pipe."

Recommendation: Provide incentives for source reduction. To finance the cleanup of hazardous waste sites, the Superfund program imposes a "front-end" tax on the chemical and petroleum industries, unrelated to the toxicity of products or services. This tax provides no incentive for firms to switch to less hazardous substances or to recycle wastes. A "waste-end" tax could induce industries to reduce the toxicity of their products and processes and could also encourage consumers to substitute safer products. But waste-end taxes provide incentives for illegal dumping. In some cases, the answer to this quandary will be a deposit-refund system, discussed below. Another approach to source reduction is labelling requirements, which compel producers to inform consumers about the presence in products of known toxic substances that may present significant risks. This approach must be used carefully, however, because excessive labelling may cause people to ignore signs or labels that warn of genuine risks.

Problem: Management of Toxic and Infectious Waste. Among the most difficult of hazardous waste problems are those posed by wastes generated in quantities small enough to be stored, shipped, and dumped more or less anywhere in the environment.

Recommendation: Implement a deposit-refund system for containerized wastes. For the management of containerized hazardous waste, a front-end tax that works as a deposit could be linked to a refund payable when quantities of toxic substances are turned in to designated facilities, whether for recycling or disposal. This refund provides three important incentives for toxic management: first, an incentive to follow rules for proper disposal and to recapture would-be losses from the production process; second, an incentive for producers to look for non-hazardous substitutes; and third, an elimination from agencies' monitoring problems of the nearly impossible task of preventing illegal dumping of small quantities at dispersed sites in the environment.

A market-based approach to acid rain reduction could save companies $3 billion per year.

Prognosis for the Future

Across the United States, there continues to be a strong consensus in favor of effective environmental protection. In many cases, our environmental goals are clear—the question is how to get there. Private-sector innovation, which market-oriented environmental policies will encourage, is essential if the United States is to maintain both economic growth and environmental quality.

Fortunately, there are some hopeful signs on the horizon. Some progressive segments of private industry and a growing number of environmental organizations have come to recognize that incentive-based approaches should be included in our portfolio of environmental-protection strategies.

If the conservation ethic of Theodore Roosevelt represented the first major era of environmental concern in the United States, then the decade of new laws following Earth Day was surely the second. The challenge now for the administration and the Congress is to move aggressively into a third era—a period when practical and economically sensible policies will provide more effective and efficient environmental protection and natural resource management.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Tequila Sunrise

The Slow But Steady Progress of Hispanic Immigrants

Linda Chavez

Hispanics are one of the fastest growing groups in the United States and may within 50 years represent the largest single ethnic group in the country. Today, 19.5 million Hispanics live in the U.S., making up almost 8 percent of the overall population. If current rates of immigration and fertility continue, by the middle of the 21st century one out of three Americans will be of Hispanic descent. What happens to Hispanics is therefore important not only for the well-being of members of that group but for the future of this country. Fortunately, despite the popular belief that Hispanics are faring poorly, the evidence—properly examined—suggests that most Hispanics are making clear progress into the economic and social mainstream.

Appearance of an Underclass

As a group, Hispanics are more likely than the general population to be poor, unemployed, under-educated, and living in families headed by women. The Census Bureau last year reported that the wage gap between median earnings of Hispanic families and those of non-Hispanic whites had actually grown between 1986 and 1987, with Hispanics earning only 66 percent of what non-Hispanics earned. More than a quarter of all Hispanic families lived below the poverty line in 1987.

Statistics like these have led to speculation that Hispanics are becoming an underclass. The response of many Hispanic leaders has been to argue for government programs to solve the problems that seem to plague the Hispanic community. Rafael Valdivieso, vice president of the Hispanic Policy Development Project, summarized the position of many Hispanic leaders in a recent publication he co-authored with Cary Davis for the Population Reference Bureau: "High drop-out rates, low salaries, and job discrimination have plagued many Latinos, ensnaring them in a cycle of poverty, alienation, and underachievement. Public policies and programs dealing with education, welfare, and labor relations can help Hispanics lead more productive, independent lives."

The federal government has for the last 20 years premised its policy toward Hispanics on just such analyses, and the states have followed suit. The result has been the creation of programs that treat Hispanics as a more or less permanently disadvantaged minority group. When the programs fail to produce the desired results—as the statistics policymakers rely on seem to demonstrate—more money and additional programs are requested. This approach is doomed to failure because the assumptions on which it rests are simply wrong. Hispanics are making far more progress in this society than is generally believed, but the indications of that success are hidden behind statistics that ignore important differences among Hispanics.

Most analysts concede interethnic differences between Hispanic subgroups. For example, average (mean) family income and median education attainment for Cuban Americans is almost the same as for the general population, while that of Mexican Americans and Puerto Ricans lags far behind. (Since Cubans make up barely 5 percent of the entire Hispanic population, statistics on Cuban income or education have a negligible effect on those of the total group, however.) More important than interethnic differences between Hispanics are differences related to individual nativity and length of time in the United States.

In assessing Hispanic progress, it is important to know whether the group being measured at point A is essentially the same as the group being measured at point B. When we find, for example, that median family income for Hispanics in the United States went up only $1,300 (in constant 1987 dollars) between 1982 and 1987 while median family income for non-Hispanics went up $3,500 in that same period, we assume that progress for individual Hispanics is proceeding at a much slower rate than for other Americans. Our assumption rests on the notion that the Hispanic group being measured in 1982 is essentially the same as the group being measured in 1987. The problem is, it's not. Between 1982 and 1987, the Hispanic population of the United States grew by nearly 25 percent. Almost half of this growth came from immigration by foreign-born Hispanics. Approximately one-third of all Hispanics are foreign-born and at least

Linda Chavez, *former staff director of the U.S. Civil Rights Commission, is senior fellow at the Manhattan Institute for Policy Research.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Museum of the City of New York

As with earlier immigrants, such as the Jews of New York's Lower East Side, the temporary poverty of Hispanic newcomers depresses education and wage levels for the entire group.

one-third of these came here within the last five years. Not surprisingly, the presence of these new immigrants distorts the picture of Hispanic progress.

Double Handicap

Most Latin immigrants come to the United States in their late teens and early twenties to enter the labor force. Most start with two handicaps in the U.S. job market: on average, they have less formal education than their native-born counterparts and they do not speak English fluently. The median education attainment for Mexican immigrants is 6.1 years, barely half the median education attainment of the total U.S. population. But, perhaps even more important in impact on immigrants' earnings is lack of English fluency. Intuitively, the link between poor English language skills and low wages seems clear. The only kind of jobs that require little or no English occur in low-paid occupations or in ethnic enclaves where supervisors speak the language of immigrant employees.

A recent study of all immigrants by Francisco L. Rivera-Batiz confirms this view. Using information from a 1985 National Assessment of Educational Progress Young Adult Literacy Assessment Survey, Rivera-Batiz establishes "strong and statistically significant positive connections between English reading proficiency and wages." He shows that average hourly wages for immigrants rise from $5.36 an hour for those who have been in the United States less than five years to $6.24 after five years and $7.03 after 10 years. "The increase in wages...is directly associated with the increased English proficiency [on reading scores] from 192 to 202 to 288 exhibited by corresponding groups of immigrants." (A score of 300 reflects adept English reading skills; thus immigrants appear to approach English reading fluency after 10 years in the United States.)

Another study by Walter McManus, William Gould, and Finis Welch specifically links English proficiency to higher wages among Hispanic males. McManus et al. assert that "among those [Hispanics] for whom the language questionnaire identifies no deficiencies in English, we find no important earnings differences from native-born Anglos" (*Journal of Labor Economics*, 1983).

Educational Advances

Any analysis that treats Hispanics without regard to their nativity or time of arrival in the United States will show depressed education and wage levels for the entire group. The Census Bureau's Population Characteristics Series of its Current Population Reports provides information on Hispanics that is broken down by age, sex, and Hispanic subgroup, but not by nativity or length of stay in the United States. The decennial census, however, solicits information on the nativity of respondents. In an analysis

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Horatio Alger is alive and well and living in East L.A.

of 1980 Census data for the Russell Sage Foundation, Frank Bean and Marta Tienda report important differences in the status of native-born and foreign-born Hispanics. In 1980, for example, the median education attainment of adult, native-born Mexican Americans was 11.1 years compared with 12.0 years for non-Hispanic whites. By comparison, foreign-born Mexican immigrants had a median education attainment of only 6.1 years. The combined education attainment of all Mexican-origin Hispanics was 9.1 years. Including both native- and foreign-born Mexican-origin persons in the same category makes it appear that Mexican Americans are more educationally deprived than they actually are.

Other studies that separate data on native-born Hispanics produce similar results. The RAND Corporation reports that native-born Hispanics are staying in school in California at the same rate as the statewide average. The dropout rate among native Hispanics in California is about 20 percent, not the 40 or 50 percent rate generally reported for all Hispanics. Bean and Tienda confirm that the dropout rate differential for foreign-born Mexicans nationally is twice that of native-born Mexican Americans and that non-English-speaking Hispanic students are three or four times more likely than Hispanics who speak English to drop out of school before graduation.

These studies suggest that the Hispanic population of the United States really consists of two distinct subsets: new immigrants and native-born Hispanics or Latin immigrants who have been in the United States at least 10 years. The latter group is making impressive progress in American society. Native-born Mexican Americans earned 75 percent of the median family income of non-Hispanic whites in 1980, up from 69 percent in 1970. Even this gap can be explained in part by their relative youth. The median age of Hispanics in 1980 was 23 years, compared with 30 years for the total population. (As already noted, the earnings of fully English-proficient Hispanic men are equal to those of non-Hispanics.) But most important, even immigrant Hispanics, who show larger initial wage gaps, quickly close those gaps. As Barry Chiswick has stated in an American Enterprise Institute publication, after 15 years in the United States, Mexican immigrants earn wages equivalent to their native-born counterparts; after 18 years, Cuban immigrants (who have higher median education attainment than Mexicans) earn wages equivalent to non-Hispanic whites.

Jewish Parallel?

Individual members of the first subset of Hispanics are constantly moving into the next group, but the way we report the status of the Hispanic population tends to obscure this important fact. The result is a picture of Hispanic progress as more or less stagnant—and a call for programs to treat Hispanics as a permanently disadvantaged minority group rather than as an aspiring immigrant and first-generation population that is on the road to success in the United States.

The tendency to base assumptions about future progress for an ethnic group on the basis of information from a snapshot view of their current status is certainly not unique to Hispanics. Thomas Sowell recounts in his book, *Ethnic America*, the ways in which contemporary analysts assessed Jews in New York in the early 1900s:

> The remarkable achievements—especially intellectual achievements—of later generations of Jews cannot simply be read back into the immigrant generation. These children often had serious educational problems. A 1910 survey of a dozen cities found two-thirds of the children of Polish Jews to be below the normal grade for their age....A 1911 study showed that 41 percent of the 5,431 Russian-Jewish children surveyed were behind the "normal" grade level.... As late as World War I, soldiers of Russian—mostly Jewish—origin averaged among the lowest mental test scores of any of the ethnic groups tested by the U.S. Army. These results led a leading contemporary authority on tests to declare that this disproved "the popular belief that the Jew is highly intelligent." Like many confident "expert" conclusions, this one failed to stand the test of time.

Such thinking not only can motivate ethnic prejudice but varieties of it can direct well-meaning but misguided policy. The notion that Hispanics are failing to move into the economic and social mainstream provides the basis of support for programs as wide-ranging as bilingual education for elementary and secondary school children to ballots printed in Spanish for Hispanic voters to affirmative action programs for Hispanics in public and private education and employment. These programs are necessary, so the reasoning goes, because Hispanics lag behind the general population in all socioeconomic indicators and will not "catch up" without government-directed

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

efforts. Little attention is paid to the fact that Hispanics are making precisely the kind of progress one would expect from a group so heavily dominated by non-English-speaking immigrants—slow but steady movement into the middle class by successive generations born in the United States.

Puerto Rican Exception

Not all Hispanic subgroups fare equally well. Puerto Ricans (not surprisingly, since they are citizens by birth) do not fit the immigrant pattern of Mexican-, Caribbean-, and Central or South American-origin Hispanics. They suffer the highest rates of poverty, unemployment, female-headed households, and out-of-wedlock births. Although Puerto Ricans cannot be divided into the usual foreign-born/native-born categories for comparisons of earnings levels and education, they can be divided into island-born and mainland-born. For Puerto Ricans, only education attainment seems to be positively affected by nativity—in 1980, educational levels were higher by three years for mainland-born Puerto Ricans, making them equal in education attainment to non-Hispanics.

One clue to understanding why Puerto Ricans fare so poorly is their low labor force participation. Only 74 percent of Puerto Rican males worked or were looking for work in 1980, compared with 84.5 percent of white men. Puerto Rican men born on the mainland were even less likely to work: only 67 percent participated in the labor force. By contrast, other Hispanics were as likely or more likely to participate in the labor force than the general population; foreign-born Mexican-origin males had the highest rate, 88 percent.

A corollary to Puerto Ricans' low labor force participation is their high rate of dependence on public assistance. Puerto Rican women are more likely to be on welfare than are white, black, or other Hispanic women, according to Bean and Tienda.

Even among Puerto Ricans, however, the prognosis is not totally dim. Though fewer Puerto Ricans work, those who hold jobs are doing as well or better than other Hispanics. According to the Current Population Survey for March 1988, 32 percent of Puerto Rican men and 65 percent of Puerto Rican women who were employed held white-collar jobs; 15 percent of the men and 20 percent of the women were employed in managerial and professional roles.

These figures suggest two Puerto Rican communities, one made up of persons who have jobs and are doing well and another of those who are out of the labor force and are struggling economically. Charles Murray in his book *Losing Ground* made an eloquent case that welfare policy was largely responsible for a similar pattern among blacks.

Ibero-American Chamber of Commerce

Tasting the fruits of success: 1986 gala dinner of the Ibero-American Chamber of Commerce.

Welfare may indeed be the culprit in the bifurcated Puerto Rican community. Unlike most Hispanic immigrants, Puerto Ricans have had access to federal welfare programs before coming to the United States.

The Puerto Rican experience suggests we ought to proceed cautiously in creating programs to "help" Hispanics. Hispanic leaders who call for ever more government involvement in the lives of Hispanics should consider the law of unintended consequences. Too often the helping hand of government becomes a vise of dependency. Surely no one wants to derail the progress ordinary Hispanic men and women are making now on their own.

Most Latin immigrants start with two handicaps in the U.S. job market: they have less formal education than their native-born counterparts and they don't speak English fluently.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Citizen Service

What You Can Do for Your Entitlements

James M. Strock

What does it mean to be a citizen of the United States? For more than a generation, the American people and their political leaders have focused attention on the *rights* that citizenship confers. Legal protections and economic entitlements have been sought and granted. Now our political leadership in Washington is beginning the equally important task of identifying and crafting a new consensus on the *duties* of citizenship. While there have been tentative steps in this direction—as in the requirement of selective service registration prior to eligibility for student aid, and new conditions on federal welfare benefits—a much broader focus is now appropriate. To begin with, federal benefits and subsidies other than basic safety-net protections should be conferred in the future only upon completion of voluntary military or civilian "Citizen Service."

In his inaugural address, President Bush called for "a new engagement in the lives of others," referring to the need for greater and more direct citizen involvement in the solution of pressing national needs through community service. To meet his goal, the president has proposed a voluntary youth service initiative and opened an "Office of National Service" in the White House. The new Senate Majority Leader, George Mitchell of Maine, harking back to President Kennedy's 1961 inaugural address, stated that one of his top legislative priorities for the 101st Congress will be to develop a national service program based upon "a new social contract that defines not only what our country will do for our citizens, but what our citizens will do for our country."

Dukakis's Incredulity

These moves have not occurred in a vacuum. For all the commentary about a "me decade" of greed in the Reagan Era, the historic American tradition of voluntarism has taken on new forms and added importance. To the surprise of some, a veritable explosion of youth service initiatives occurred at the same time as the Reagan administration limited the federal role in such endeavors. More than 50 state and local youth corps projects now operate full-time, with combined annual budgets exceeding $200 million and including more than 60,000 young people. Organizations such as Campus Contact, which comprises 140 institutions of higher education, raise funds and share expertise for community service projects. Jurisdictions across the country—from the cities of Atlanta, Detroit, Springfield, Massachusetts, and Cherry Creek, Colorado, to the state of California—are making student community service part of their educational systems. On October 13, 1988—as Governor Dukakis expressed ignorance and incredulity in response to the "thousand points of light" envisioned by then-Vice President Bush—more than 1,000 youth service efforts across the nation joined together in "A Day in the Life of Youth Service" to celebrate their accomplishments and share their hopes for the future.

As Americans move toward a more expansive view of the obligations of citizens, a related and often unspoken understanding has gained force: that the nature of modern social needs requires concerted individual action as well as traditional programmatic approaches. "Little platoons," to use the phrase of Edmund Burke's recently popularized by Charles Murray, will be the vanguard for meeting some of our most pressing national concerns.

As Senate Republican Leader Robert Dole, a youth service proponent, has explained:

> Additional federal money, even if it were available, would not alone provide the kind of creative solutions we now need. New bureaucracies in Washington will not hold the key to meeting the new challenges in such areas as adult literacy, reinvigoration of our educational system at all levels, providing day-care for the young, and companionship and home care for older people. These challenges will be met at the community level by efforts dependent upon person-to-person interaction....

Bush's YES Men

President Bush brought national attention to the issue of youth service in an autumn 1988 address, calling for a

James M. Strock *is general counsel to the U.S. Office of Personnel Management and a member of the board of Youth Service America. The views expressed here are solely those of the author.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

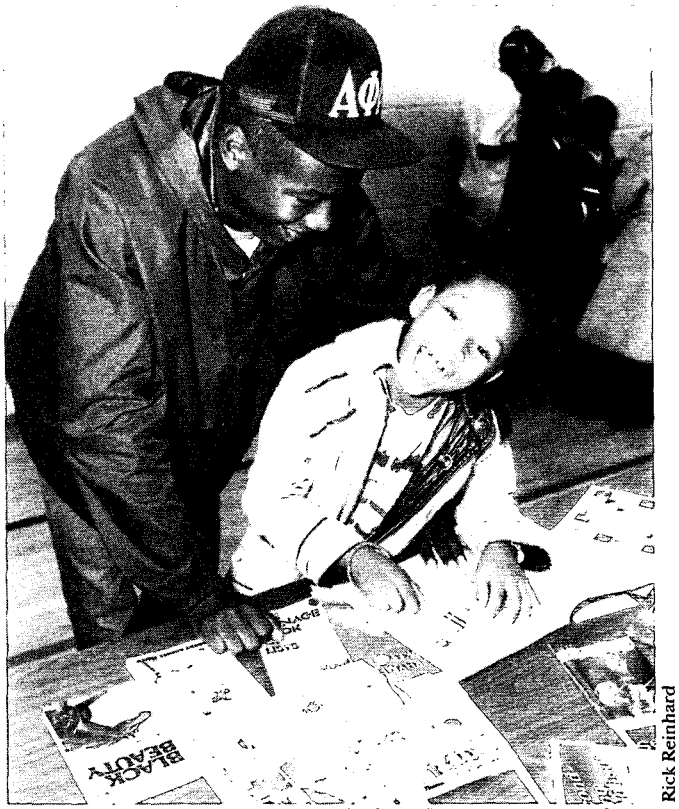
$200 million foundation (one-half to be funded by the taxpayers) tentatively named "Youth Entering Service" (YES). His goal is to bring public attention and foundation funding for successful youth projects.To affirm his commitment, President Bush has stated that he will personally chair the YES foundation.

While youth service proponents welcome the Bush initiative, many questions remain unanswered. There appears to be no programmatic component; YES would rely solely on the undirected and uninhibited exuberance of young volunteers in voluntary associations. Further, the president's initial comments focused on the benefits of service to middle- and upper-class youth, apparently excluding the potential for broader participation that attracts many to the national service concept. There is no indication of how the foundation money would be allocated; whether to state and local governmental efforts, solely to private and nonprofit enterprises, or some mix thereof. There is also no explanation of why federal money, albeit a "pittance" in the scheme of things, is required, other than to meet the anticipated complaint of traditional politicians that proposals should be taken seriously only when they are accompanied by direct budgetary commitments.

New G.I. Bill

The Democratic Leadership Council (DLC), a group of generally moderate and conservative Democrats seeking to bring their party back toward "mainstream" American values, has offered an alternative approach that is gaining adherents among both liberals and conservatives. The basic idea, originated by Northwestern University sociologist Charles C. Moskos, is a "new G.I. bill," analogous to the original but including community as well as military service. Eligibility for federal educational assistance would be tied to a requirement of either military or community service. Youth would become eligible for a $24,000 voucher after two years of military service, or $10,000 per year following full-time, stipended social service. The vouchers could be used for technical or vocational training, as well as university education, or for down payments for first homes.

The DLC proposal has a programmatic coherence missing from the Bush proposal—but, in not relying on the potential of more purely volunteer efforts, is ultimately more conventional and limited. The Democrats would ask too much from too few for too short a time—and at too great a cost. The requirement of full-time participation in community service raises a number of issues: it indicates that the program is concerned more with the predictability of bureaucratized obligatory service than with the development of more innovative, though less predictable, part-time, volunteer efforts; it imposes tremendous opportunity costs on participants; the experience gained is not transferrable to life-long habits integrating voluntarism with family life and career; it sets the entire youth service enterprise at risk of failure either because youth service jobs threaten the livelihood of public employees or because the available jobs are viewed as unworthy of a year or more of full-time work. This last risk will be heightened if states and localities are given the lead, resulting in uneven experiences.



Rick Reinhard

Most Americans would probably choose community service programs such as Reading Is Fundamental.

The cost of the DLC proposal is a matter of significant concern. Proponents anticipate that the initial price tag will be at least $7 billion per year. While this amount is less than the $8 billion now spent on current student aid programs, the DLC estimate assumes 600,000 participants—far fewer than the nearly 4 million included in existing aid programs. Even if budget constraints were removed, and several million young people (of the 3 to 4 million turning 18 each year in the next decade) from all social strata were brought in, there is no indication that the vast majority of them could be usefully accommodated in full-time, stipended community service work in the near future.

The DLC proposal will also attract opposition from those who support the existing All-Volunteer Force (AVF). Although Moskos stresses that he does not favor a return to a draft, many will conclude that his "Citizen Corps" is a first step away from the All-Volunteer Force. More specifically, there are significant issues relating to military cost impacts (would an increased number of shorter-term recruits cost more than longer-term soldiers because of high training expenses, even if the short-timers are paid significantly less?) and effects on preparedness. All told, the proposed changes in military service could quickly overshadow and overwhelm the civilian service component of the DLC program, which is supposed to be its centerpiece.

No More Taxes

What criteria should guide conservatives in evaluating existing youth service proposals and in crafting alternatives?

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

• The program should be strictly voluntary.

• A new youth service program should not require any changes in the All-Volunteer Force.

• No additional federal revenues should be required.

• Any resulting program should encourage youth service activities at the levels closest to the people and problems to be addressed. The primary programmatic efforts would be at the neighborhood, community, local, and state levels. The federal role should be that of a catalyst—not a regulator—of those efforts.

• Domestic or military service, while voluntary, should become an expected rite of passage for American youth. Individuals' experiences derived through youth service should be capable of being continued throughout their lives, not relevant only to the few choosing careers in full-time social work.

What Your Country Can Do For You

These criteria could be satisfied through a Citizen Service initiative that would include aspects of both the Bush and DLC initiatives. Citizen Service would be based on a simple concept: all Americans, at age 18, regardless of sex, station, religion, or geography, have a citizenship obligation to the nation. They can meet this obligation in any number of ways: military service (including AVF or reserve duty) or a specified amount of community service. Only if they meet this obligation can they take advantage of a vast array of federal government benefits that are available now with "no strings attached."

Citizen Service, while considered an obligation, would be strictly voluntary: anyone could refuse to take part, for whatever reaason, without legal penalty. Nonparticipants would remain eligible for the safety-net programs guaranteeing a basic level of health, housing, nutrition, and income. Those who require aid in getting back on their feet cannot be asked to look beyond the immediate and most pressing needs facing their families and themselves.

But nonparticipants would be ineligible for what might be called "opportunity programs," government initiatives above the safety net that give citizens individual advantages. Subsidized credit, government contracts, even government employment, are all examples of "opportunity programs" that could be limited to Americans who have completed their Citizen Service obligation. The *Federal Catalog of Domestic Assistance* lists thousands of opportunity programs such as grants, counseling services, insurance provisions, and use of property. Even deviations from the usual rate of taxation—for instance, tax deductions for mortgage interest—could be considered "opportunity programs."

Without a doubt, the opportunity programs that could bring many young people immediately into Citizen Service would be those providing student financial aid. Youth not partaking of those benefits—such as some of the wealthy or the disadvantaged—need not perform Citizen Service until they seek an opportunity from the national government, such as federally subsidized home ownership or credit.

What You Can Do For Your Country

Most Americans would probably choose community rather than military service. This could include work in existing federal programs such as VISTA or the Peace Corps, or in a state conservation corps, or in a local program. Most important, it would apply to voluntary participation in non-stipended and part-time efforts based in neighborhoods, communities, churches, schools, or nonprofit organizations. This community service option would be based upon meeting a minimum number of hours (for example, 100), but would not approach the full-time commitment envisioned by the Democratic Leadership Council. That is important, because it provides an experience that is more readily incorporated into future volunteer efforts during one's life, and it ensures that Citizen Service will not be disabled by public employee labor displacement or unfocused "make-work."

The kinds of work that could be included in the community service option would be broad indeed. They could encompass the range of labor-intensive projects that have high potential value to communities such as: educational tutoring (remedial teaching of English or reading, and counseling), day-care for the young, health care provision generally (with emphasis on older people's needs for home care, visitation, and "meals on wheels"), housing rehabilitation, environmental protection (conservation corps-type work), and much more.

Target 1991

If President Bush were to aim for Citizen Service, how should he proceed? His first step should be the establishment, by executive order, of a nonpartisan commission for Citizen Service. That commission, to be paid for solely with privately raised funds, would be charged with:

• designating, for congressional consideration, opportunity programs for which Citizen Service would be expected;

• recommending a minimum number of hours to be undertaken in meeting the voluntary community service option—while leaving the states free to impose a greater number of hours;

• drafting federal legislation delegating Citizen Service certification to the states, who in turn could delegate that authority to their own, subordinate jurisdictions. The commission should examine the use of innovative certification mechanisms—such as the new state trend of denying drivers' licenses to students who drop out of school—as potential models, but the ultimate choice of certification mechanisms should be left to the discretion of the states;

• recommending the charter of a Citizen Service Foundation, to be established entirely with private donations, for two purposes. One, serving as a centralized information source, whereby young people (and those seeking their volunteer assistance) will have computer access to Citizen Service information (for example, on successful community service efforts) across the nation. This could build on related, burgeoning efforts such as ACCESS in Massachusetts. Two, providing entrepreneurial seed grants to innovative Citizen Service efforts. Such grants should not be directed toward existing state or local government programs—the taxpayers and donors closer to home can make their own decisions on those—but at nongovernmental initiatives. There may, however, be

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

some cases in which the foundation would wish to provide limited challenge grants for innovative proposals for state or local government programs of potentially wide applicability.

A well-chosen commission could achieve these tasks in a very short time—perhaps 90 days or less. President Bush could give the effort added immediacy by declaring his intention that Citizen Service be fully in place by January 20, 1991, the 30th anniversary of President Kennedy's inaugural challenge.

Honoring Teddy Roosevelt

The current debate over national service—and the concomitant reexamination of the balance between individual rights and duties in our civic life—are welcome and overdue. Conservatives, concerned with creative, nongovernmental solutions to problems close to home, should enter this dialogue with particular fervor. The key is for Citizen Service to become an expected part of American life, with three overarching conditions: the initial decision to take part should not be compelled; the actual work performed by those electing community service should fit into existing channels for voluntary work (though of course these channels will increase dramatically); and the voluntary work performed should be of a planned yet part-time (or short-term, full-time) nature that will lead participants to think of Citizen Service not as an end in itself, but as the beginning of new, lifelong habits of thinking about citizenship and obligation.

President Bush has well expressed both the hope of youth service and the need to strengthen the unique tradition of voluntarism that holds hope for meeting many of our coming national challenges. From the bully pulpit, he can do more than any other individual or institution to lead the nation toward Citizen Service. In so doing, the president would honor the memory of Theodore Roosevelt (whose bust now graces the Oval Office), who distilled the essence of Citizen Service: "Voluntary action by individuals in the form of associations of any kind for mutual betterment or mutual advantage often offers a way to avoid alike the dangers of state control and the dangers of excessive individualism." Through Citizen Service, President Bush can transform the "thousand points of light" into a powerful beacon leading to social progress as America enters the 21st century.

The Democrats would ask too much from too few for too short a time—and at too great a cost.

"Mandatory reading"
—Sen. Phil Gramm

From this book—

"Today's Congress is the champion of the entrenched special interest"
—C. Boyden Gray

"Some recent presidents have failed to defend their office's prerogatives"—Robert H. Bork

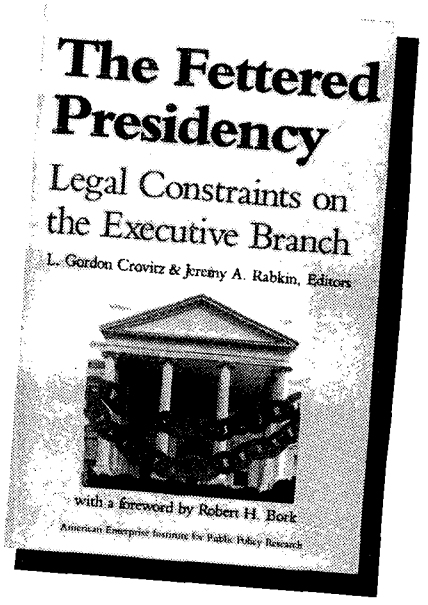
"I do not think that any president could support the War Powers Act and feel able to carry out his oath of office" —Caspar Weinberger

About this book—

"A very important book"
—Griffin Bell

"A valuable guide and a danger signal" —Judge Alex Kozinski

"Distinguished contributors"
—*Wall Street Journal*


The Fettered Presidency
Legal Constraints on the Executive Branch
L. Gordon Crovitz & Jeremy A. Rabkin, Editors
with a foreword by Robert H. Bork

An American Enterprise Institute book.
$29.95 cloth; $14.95 paper
Available in bookstores or from University Press of America, Dept. KQ4, Attn. K. Quinlan, 4720 Boston Way, Lanham Md, 20706.
Make check payable to UPA and add $2 for postage and handling for one copy, 50 cents for each additional book.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Capitalism from the Ashes

A New U.S. Contract with Central America

Senator Robert W. Kasten Jr.

Political turmoil in Central America has been aggravated by the worst economic crisis in the region since the global depression of the 1930s. From 1980 to 1983, the region's per capita income dropped 12 percent; in El Salvador, it dropped 20 percent—following an already sharp decline over the preceding two years. Central America's external debt rose $10 billion, and $1.5 billion of foreign capital fled the area.

These indicators do not even begin to tell the story of the devastating human cost of the crisis. According to the Economic Commission for Latin America, almost 70 percent of the 20 million people in the region are unable to provide for their most basic human needs—food, shelter, and medical care. The percentage of malnourished children under age five is unacceptably high—17.9 percent in El Salvador, 28.5 percent in Guatemala and 43.6 percent in Honduras. The infant mortality rate for the region is 56.9 per thousand births, compared with 10.4 per thousand in the United States.

The United States can help relieve this distress—and improve the prospects for political stability—by forging a new political and economic contract with the four democracies of Central America (Costa Rica, El Salvador, Guatemala, and Honduras). Under this contract, the U.S. would offer aid, trade, and security assurances in return for Central American economic reforms and liberalization.

This economic prosperity program cannot immediately include a Communist Nicaragua, because any American aid would be promptly diverted to serve the ends of the Communist regime. But in promoting economic growth in the democracies of Costa Rica, El Salvador, Guatemala, and Honduras, we would be holding out a torch of hope—and an example—to Nicaragua. Someday even the *comandantes* may get the word about the benefits of Central American *perestroika*, and allow their own citizens to join in the prosperity.

Rich in Resources

The present depression in Central America did not result from regional backwardness. Central America is endowed with a rich variety of natural resources, ranging from fertile soil and petroleum to abundant water available for irrigation and power. Central America is ideally located for international trade, and its people are ingenious and hard-working. Indeed, during the 1960s and 1970s these factors combined to produce growth rates of about 5 percent per year.

The economies of Central America traditionally depended on the export of basic commodities such as cotton, sugar, beef, coffee, and bananas. The Central American Common Market (CACM), formed in the early 1960s, initially led to high growth in manufacturing as well, as member countries raised tariffs while eliminating trade barriers among themselves to create a larger market. Foreign capital came in at satisfactory rates and capital flight was small. Inflation was almost nonexistent.

Reasons for Collapse

What went wrong? The external economic shocks (worldwide inflation, oil price shocks, and recession) of the 1970s and early 1980s contributed to the economic collapse in Central America. So did the region's devastating wars over the last decade. The Nicaraguan economy has been paralyzed by the Sandinista suppression of almost all private economic activity by *campesinos* and urban market women. Communist guerrillas have systematically blown up electric pylons, bridges, and buses in El Salvador.

Throughout the region, growing government interference in the private economy in the 1970s and 1980s aggravated a cultural resistance to entrepreneurship, risk-taking, and the amassing of wealth. An inflationary surge in the 1970s caused the region's governments to begin an unhealthy expansion of their public sector. Their response to double-digit inflation was to increase public spending for salaries and subsidies to private firms. Higher income and payroll taxes only added to the problem of unemployment. Rising joblessness led to the expansion of public sector jobs programs and other social welfare programs.

As a consequence, public spending in the region rose significantly—from 14 percent of GDP in the early 1970s

ROBERT W. KASTEN JR., *a Republican, is senator from Wisconsin.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

to 24 percent in the early 1980s. The result was huge budget deficits. To service the rising tide of public debt, the governments printed more money—which led to even more inflation and exchange rate instability.

The multilateral development banks exacerbated the growing economic crisis by forcing governments to impose high-tax austerity on their peoples as a condition for further extensions of credit. Too often, agencies like the International Monetary Fund have focused on the fiscal balance sheet at the expense of essential economic growth.

Fortress Central America

Another factor contributing to the economic decline was CACM protectionism. The region's "fortress Central America" approach to trade seriously weakened export industries. The protected industries found it difficult to compete successfully in third markets, and this limited their sources of much-needed foreign exchange. Moreover, protectionism slowed the development of non-traditional agricultural exports and industrial exports. Lacking alternative exports with which they might generate foreign exchange, the region's economies were especially vulnerable to the plunge in basic commodity prices that took place during the early 1980s.

The eventual collapse of the CACM in 1979 led to the adoption of unilateral trade policies between each pair of countries, and the consequent elimination of intra-regional free trade.

Red-Tape Paralysis

Central America also has suffered from a ponderous and all-pervading superstructure of bureaucratic practices, economic regulations, and mandated business procedures that have proved a costly and counterproductive brake on wealth creation.

Guatemala provides a typical example. Guatemala's cartelized banking system strangles credit to small and medium sized businesses by demanding up to 200 percent collateral for expansion loans. Guatemala's economy is also hampered by the government's bureaucratic inertia—a dogged resistance to even the most necessary changes, such as the computerization of basic functions (for example, customs, immigration, and licensing).

In Honduras, a small businessman seeking approval of a new venture faces a maze of official procedures as well as a mountain of paperwork. In the cultivated shrimp industry, an investor must take 120 separate steps to obtain a business license; some of these steps can be done simultaneously, but others must be done in sequence. This process takes an average of *one and a half years.*

Investment controls, wage and price controls, sweetheart deals for government-owned enterprises, forced sales to government at below-market prices, and barriers protecting cartel profits—all of these have been as common as they have been devastating to the Central American economies.

Seven Reforms for Central America

The new contract between Central America and the United States would be designed to restore economic growth to the region: the United States would free its markets for goods from the region, provide security guarantees, and continue effective development assistance, in return for these seven economic reforms by the Central American democracies:

1) Lower marginal tax rates. With the possible exception of Costa Rica, all of the region's governments impose high and progressive tax rates on individual effort and enterprise. In El Salvador, a marginal tax rate of 43 percent is imposed on incomes above $25,000, and a rate of 60 percent above $50,000. The Honduran tax code features a rising scale of eight tax brackets, with a top tax rate of 40 percent. Guatemala has an even steeper scale of rates, including a 48 percent top bracket.

In return for seven economic reforms by the Central American democracies, the U.S. would free its markets for goods from the region, provide security guarantees, and continue effective development assistance.

Lower and less progressive tax rates would increase economic activity in these countries and reinvigorate their anemic revenue bases.

2) Monetary stabilization. A four-country region with four small currencies is not an ideal recipe for investment, price stability, and economic competitiveness, especially when exchange rates among the currencies are controlled not by the market but by central bank fiat. Bureaucratic setting of exchange rates among countries too small to be sizable markets in themselves is an unaffordable luxury.

Ultimately, the Central American countries will have to either adopt the U.S. dollar as the unit of account and exchange, or revitalize the *peso centroamericano,* a unit of exchange similar to the European Economic Community's ECU money-basket currency. The *peso centroamericano* has not been used effectively in the past because of the disarray of the CACM, but it remains clear that whichever currency is finally settled on must be backed by more than the promises of four or five central banks.

3) Privatization of government-owned enterprises. Costa Rica has joined the worldwide movement toward privatization by reducing the cost of state-run enterprises from $65 million in 1983 to less than $5 million today. President Oscar Arias is justly proud of his success in converting a large government-owned sugar corporation into a 200,000-member cooperative.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Private contracting for traditionally government-run services is starting to appear in Central America. Contracting-out and privatization both offer great opportunities for turning workers into owners, thus broadening the hitherto narrow ownership base of private enterprise.

4) Encouragement of foreign private investment. Central America desperately needs the technological expertise as well as the physical capital of foreign investors. To attract investment, though, there must be a stable business climate in which investors face no risks beyond those of the competitive marketplace and acts of God.

Investors need binding assurances against arbitrary expropriation. Investment disputes should be subject to impartial third-party arbitration, and investors should have strong guarantees by the government of their right to repatriate earnings and otherwise move their capital across borders.

5) Rule of law. Economic reform requires the creation of independent judicial systems, administering established rules of law in economic transactions. The judicial system of a country must enforce contract law and resolve tort claims impartially before that country can expect increased foreign investment.

6) Debt-equity swaps. Central America has a burdensome foreign debt. There is no panacea for this problem, but debt-equity swaps are a useful beginning. In these swaps, a country's foreign debt is purchased in the U.S. at a large discount, converted by the debtor country's central bank into local currency, and then invested in local enterprises.

Reducing foreign debt through debt-equity swaps has the added advantage of forcing countries to make investment in their countries attractive to prospective swappers. Chile has gone the furthest in establishing regular procedures for these swaps; nearly $3 billion has now been repatriated in this fashion.

7) Economic empowerment. Property rights and the security of ownership—hallmarks of any true capitalist system—are the keys to prosperity. Carlos Manuel Castillo, the leading candidate to succeed Oscar Arias as president of Costa Rica, agrees. When I met with him recently, he pointed out that his number one campaign slogan is "Let's build a country of owners."

The goal of Central American economic reform ought to be the conversion of workers into owners, of propertyless peasants into genuine citizens with a full share in their national destiny. Swaps of debt for employee stock ownership would help to promote a worker stake in the economy. In Costa Rica and Guatemala, the expanded ownership is being promoted by Solidarity Associations—private employer-employee alliances that seek to surmount the old divisions between labor and management.

Fallback Reform: Incubator Zones

If economy-wide reforms should prove politically unrealistic, the governments should establish enterprise zones to incubate capitalism in certain areas of each country. These zones would feature the reduction or elimination of taxes, regulations, and other government-imposed restrictions on private enterprise. As wealth creation, living standards, and general prosperity begin to flourish in these zones, the task of convincing the rest of the people about the benefits of capitalism will become much easier.

The Central Americans have themselves pointed the way by creating "free zones" to promote exports. Free zones feature reduced tax and tariff burdens for export industries. All five of the Central American countries have authorized the creation of free zones at one time or another, and several are in operation today, notably in Costa Rica. The bustling activity at the free zone in Iquique, Chile, should serve as an example.

Economic Integration

The Central American democracies are seeking greater market access by applying for membership in the General Agreement on Tariffs and Trade (GATT), which will give them a powerful boost into the world marketplace. Reviving the Central American Common Market would help integrate these countries into the global economy.

The U.S. can aid this process by revitalizing the moribund Secretariat for Economic Integration in Central America (SIECA) and by underwriting the formation of a new "Central American Democratic Community" (CADC) to supersede the Organization of Central American States created by the 1962 Charter of San Salvador. Such an effort might include greater status for the appointive and advisory Central American Parliament, an idea enthusiastically promoted by President Cerezo of Guatemala.

The United States ought to appoint a prominent ambassador to the new Community, exercising direct supervision over the existing Regional Office for Central America and Panama (ROCAP) of the U.S. Agency for International Development (AID). One radical proposal goes even further, calling for the consolidation under the CADC ambassador of the AID mission to all of Central America. While this proposal may be too extreme, the idea behind it—that is, treating the four democratic nations as an economic and increasingly as a political unit—deserves to be kept in mind as the nations evolve in that direction.

Opening the U.S. Market

As part of the contract, if the Central American governments embark on the reforms proposed here, the U.S. can help strengthen the region by negotiating a Free Trade Agreement—modeled on those we have concluded with Israel and Canada—with the newly revived CACM. Because the U.S. is Central America's biggest customer, and transportation costs to the U.S. are much lower than to any other market, we are in a unique position to strengthen Central America through expanding trade.

Exports—particularly agricultural products—are the lifeblood of the Central American economy. But all too often, nontariff barriers imposed by the U.S. have posed extremely costly obstacles to Central America's traditional exports (for example, sugar and textiles). U.S. quotas on sugar products alone have cost the region almost as much in foreign exchange as the U.S. has contributed in economic aid.

Another part of our contract would be continuation of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the kinds of development aid that have proven effective in the past. These include aid programs for education and vocational training, health and nutrition, and infrastructure (this last category includes housing, water, sewage systems, roads, bridges, irrigation, and energy).

The health, housing, and education needs of the Central American poor can best be met by a strong market economy with a tax base capable of providing a safety net for the weakest citizens. U.S. development assistance should focus on meeting those human needs until the reinvigorated Central American economies can take up the slack. This commitment to a social safety net will help improve the political climate for capitalist reforms in Central America.

However, government-to-government assistance must not be considered the centerpiece of our pro-growth reform package. Aid programs do nothing to solve the underlying problems of economic stagnation and slow private-sector job creation. They don't encourage the supply-side economy, which is the only reliable source of prosperity.

Security Assurances

The best-laid plans for economic reform and progress will amount to little without a guarantee of security against invasion and destabilization by the Sandinistas. No formal agreement currently requires the United States to come to the aid of any of the Central American democracies in case of a security threat. U.S. policy is based instead on the Rio Treaty, which requires any threats to be brought before the Organization of American States (OAS) for "consultation" and joint action.

The chance of any joint OAS action against an expansionist Communist state has shrunk to the point that it could be triggered only by an outright Soviet invasion. It is not surprising that the Central American democracies are not confident about the dependability of the American shield.

The U.S. will have to offer a credible, long-term guarantee to the Central American democratic community that it will support—with all necessary measures—their efforts to live in peace and security. The exact dimensions of such a guarantee I will leave to the Bush administration, but it is clear that as long as Nicaragua remains an outpost of Marxist-Leninist subversion, it would be foolhardy to ignore this question.

A Window for Consensus

Many in Central America are coming to accept the wisdom of a policy along the lines proposed here. The intra-regional entrepreneurial group FEDEPRICAP, based in Costa Rica and with affiliates in other countries, supports these initiatives. A new generation of Central American leaders, many of them U.S.-trained, are now rising to ministerial posts. They bring with them a commitment to broad-based prosperity—instead of continued protection of vested interests.

In particular, several Central American economists and political leaders associated with the International Commission for Central American Recovery and Development are committed to the idea of a free, competitive marketplace, and understand the valuable benefits that result from secure property rights. However, the "neo-Marshall Plan" economic approach of some others on that commission would end up moving Central America further from the market-oriented policies it needs if it wants to foster economic growth.

A strong free-market economy is the only secure base upon which a prosperous and just society can be built. Now more than ever before, we have an opportunity to help Central America move in this direction.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Notes from the Underground

The Other Path *by Hernando de Soto (New York: Harper & Row, $22.95).*

Reviewed by Jeffrey W. Barrett

It has been said that Americans are willing to do almost anything for Latin America except take the trouble to learn about it. Even Americans who are heatedly engaged in the public debate about their country's policy toward Latin America, whether they be journalists, politicians, academics, or bishops, often display an astonishing ignorance about the region's problems and challenges. Fortunately, the task of understanding Latin America has been made easier for Americans by the translation and publication of a remarkable book by Hernando de Soto called *The Other Path*. De Soto chose his title to challenge directly the point of view represented by the "Shining Path," a Maoist guerrilla group that is currently causing much havoc in the jungles and cities of Peru.

Mercantilist Shackles

De Soto, a Peruvian businessman who heads a research organization in Lima called the Institute for Liberty and Democracy, analyzes the causes of underdevelopment and presents specific guidelines for overcoming mass poverty within the context of a democratic society. He contends that Peru is poor because Peru is mercantilist, referring to the economic system in which European monarchs and bureaucrats bestowed monopoly rights on private merchants. Mercantilism was replaced by a free-market economy, where anybody could legally set up a business, and profits were determined by the forces of supply and demand rather than by favor of the king. De Soto maintains that Europeans were able to launch the Industrial Revolution only because they had replaced their mercantilist economy with a free-market economy. Peruvians, however, argues de Soto, never threw off the mercantilist system inherited from Spain and so continue to suffer economically.

De Soto presents much evidence that mercantilism continues to influence the Peruvian economy, but perhaps his most striking illustration is a cross-national study on the difficulty that an aspiring entrepreneur would have in obtaining a legal permit to open a garment factory. In Lima the process took de Soto's team of investigators 289 days at a cost of $1,231, which was 32 times the minimum monthly wage in Peru. In the relatively free-market economy of Tampa, Florida, the task required only three and a half hours and minimal expense.

While technically any Peruvian can start a business, in reality, just as in the mercantilist days of old, only a favored few with enough money and the right government connections are able to do so legally. In contemporary Peru one often hears politicians talk about redistributive justice, the right of the poor to receive help from the government. But de Soto contends that the poor suffer most from the lack of "productive justice," the right of the poor to start and maintain legal businesses so that they can help themselves.

Resourceful Informals

Because it is difficult for the poor to do business legally in Peru, most of them earn a living illegally in what De Soto calls the "informal" or underground economy. The great bulk of the informal economy in Peru has been created in the last 40 years as population pressures in the countryside have forced millions to migrate to the cities. De Soto calculates that the underground economy now absorbs 48 percent of the Peruvian work force and produces 39 percent of the official gross domestic product (GDP). If present rates of growth continue, by the year 2000 Peru's illegal economy will produce an astonishing 61 percent of the GDP.

De Soto, impressed by the ingenuity and resourcefulness he has seen in the underground, contends that this "new class" of Peruvian businessmen has the potential for producing the kind of economic leaders the country so desperately needs. But for this to happen, he warns, the government will have to grant legal status to the underground businessmen and reform commercial law.

While Peruvian political authorities have long regarded illegal businessmen as a problem, de Soto sees them as the solution to many of Peru's economic problems. Displaying the kind of common sense that might be expected from someone with a real-world business background, de Soto explains that it is not capital and technology in themselves that will develop Peru but how effectively Peruvians use the capital and technology imported from abroad.

JEFFREY W. BARRETT, *a Washington, D.C.-based writer and consultant, served as a Peace Corps volunteer in Lima, Peru, where he later worked as a journalist. He is the author of* Impulse to Revolution in Latin America.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Law and the Free Market

De Soto is neither the first to point out the mercantilist character of the Latin American economies nor the first to demonstrate how economic freedom can create an explosion of productive energy. His more original contribution regarding economic liberalism in Peru is to explain how certain kinds of legal reform in private property law, contract law, and extra-contractual law are vital to an effective free-market economy and to the further development of the new Peruvian business class. De Soto's second major contribution is his discovery of the new business class, revealing its enormous size and potential for producing quality economic leaders.

The Other Path does have its weak points. De Soto gives short shrift to cultural explanations for Latin American economic weakness. European, Middle Eastern, and Asian immigrants to Latin America encountered the same mercantilist barriers as did native Latin Americans, overcame them, and contributed to the development of business to a degree that was far out of proportion to their numbers. At no time in the history of Chile has the percentage of foreign-born been over 4 percent of the population, yet a 1963 survey showed that 76 percent of the owners of the largest industrial enterprises in Chile were immigrants or children of immigrants. This same pattern of disproportionate immigrant success in economic pursuits can be found throughout Latin America, suggesting that culture may have been as important as law in encouraging or discouraging entrepreneurship. No doubt wisely for a political reformer, de Soto ignores such considerations. Rather, he argues that the spectacular explosion of the Peruvian informal sector shows that Peruvians are capable of being successful entrepreneurs—if only laws will let them.

De Soto's book also lacks a strategy for overcoming interest-group opposition to market reforms. Mercantilism exists in Peru because powerful groups benefit from the system. Politicians support the mercantilist system because they can use their enormous economic power to win political support. Bureaucrats support the system because they want to keep their jobs. Favored businessmen and union leaders support the system because they want to retain their special privileges. Nowhere does de Soto discuss how these powerful interest groups can be overcome.

Political developments in Peru may provide the answer to this critical question. Mario Vargas Llosa, world-famous novelist, friend of Hernando de Soto, and author of the foreword to *The Other Path*, has announced his intention to run for president of Peru in 1990 and appears to have at least an even chance of winning. If elected it is highly likely that Vargas Llosa, a firm believer in economic liberty and a political leader of unimpeachable integrity, will disregard the political costs and use the full powers of the presidency to try to dismantle the mercantilist system. It may well be, then, that after the Peruvian election of 1990 de Soto will have enough first-hand experience to add another chapter to his book on how to deal with the powerful interests that support mercantilism.

The Other Path is having a significant impact in Latin America. The book has already sold over 150,000 copies in Peru, more than any book in Peruvian history with the exception of the Bible. Tens of thousands of photocopies are also circulating among university students who up to this point have been fed a steady diet of Marxist-Leninist dependency theory. And although the book is exclusively about Peruvian conditions and hardly mentions the rest of Latin America, it has become an instant best-seller in every Latin American country in which it has been published, including Mexico, Colombia, Venezuela, and Chile.

Carlos Bendezu

Hernando de Soto: But for mercantilism and an antiquated legal system, an entrepreneurial revolution is waiting to explode in countries like Peru.

Beyond Arielismo and Imperialism

The significance of this success can be better appreciated in the context of the various theories Latin Americans have used to explain their underdevelopment. The first school of thought, dominant in the 19th century, emphasized cultural differences between Europeans and Latin Americans to explain differences in national wealth. Although the broad outlines of the reformers' theory were essentially correct, the solutions they proposed, namely education and immigration, were not enough to bring about the kind of "value reform" they felt was needed. Once the failure of their policies became evident, these reformers began to sound more like shrill critics of the Latin American character than the dedicated nationalists that they were.

By the turn of the century a new generation of Latin Americans was looking for something different, and they found it in *Ariel*, a book that was written shortly after the

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Spanish-American War by Jose Enrique Rodo. While the Uruguayan intellectual acknowledged the material and military prowess of the United States, he claimed for Latin Americans a profound "spiritual superiority," without bothering to define what spiritual superiority meant. Although in retrospect Rodo's vague notion of spiritual superiority appears ridiculous even to Latin Americans, at the time, the book blazed across Latin America.

After the Russian Revolution Latin Americans gradually discarded Arielismo for the theory of imperialism, which simply blamed the economic problems suffered by Latin Americans on foreigners. Although the notion of imperialism continues to dominate Latin American thinking, the enthusiastic reception of de Soto's *Other Path* indicates that many Latin Americans are ready to discard that theory provided they can fill the vacuum.

It may well be that many Latin American nationalists are at the same emotional crossroads that Rodo's contemporaries were at the turn of the century when they were restlessly searching for a new idea that would turn despair into hope. The difference today is that de Soto's ideas for reform are sound, owing largely to the changing social and demographic conditions in Latin America that are beginning to produce the numbers and quality of businessmen that the Latin American economies so urgently need. Uneasy over the obvious failure of the imperialist theory and sensing that de Soto may offer a way out of underdevelopment, many Latin American nationalists are seriously asking themselves, "Why not try freedom?"

Little Platoons

In Pursuit of Happiness and Good Government, *by Charles Murray (New York: Simon and Schuster, $19.95).*

Reviewed by Karl O'Lessker

The most controversial, not to say notorious, social policy book of this decade has been Charles Murray's *Losing Ground.* Published in 1984, it had the distinction of inspiring not only every manner of review but symposia and seminars by the dozens. Perhaps only Edward Banfield's *Unheavenly City* two decades earlier has received as much serious attention in the years since the end of World War II. (John Kenneth Galbraith's *Affluent Society* sold many more copies, but most economists regarded it as a potboiler.)

Now Mr. Murray has written a striking and eloquent new book, but one that only his fellow libertarians will find persuasive. Precisely because it sets out to demonstrate "that [Thomas] Jefferson's was a vision suitable not only for a struggling agricultural nation at the outset of the 19th century but also for a wealthy, postindustrial nation at the close of the 20th," *In Pursuit* ends by being largely irrelevant to the major domestic policy issues that confront us.

One of Murray's key propositions is that the goal of social policy should be the happiness of the individual. The proper role of government, therefore, is to ensure the existence of those conditions that enable people to pursue happiness according to their own lights.

This does not mean that government ought to meet the demands of all claimants upon its largesse and coercive power. On the contrary, Murray insists, the material prerequisites to the pursuit of happiness involve little more than what would be included in a subsistence level of existence. Once that level has been achieved, the other preconditions are (following Abraham Maslow's formulation of nearly 50 years ago) safety, self-esteem, and self-actualization. But all that government can do about any of these is to remove whatever barriers may be imposed, by public or private forces, to the individual's pursuit of them.

Murray states his policy principle as simply as this:

> No one has to teach people how to pursue happiness. Unless impeded, people form communities that allow them to get the most satisfaction from the material resources they have. Unless impeded, they enforce norms of safety that they find adequate. Unless impeded, they develop norms of self-respect that are satisfying and realistic for members of that community. Unless impeded, people engage in activities that they find to be intrinsically rewarding, and they know (without being taught) how to invest uninteresting activities with intrinsic rewards.

Murray does not, of course, claim that everyone always acts in ways to achieve these results: "My assertion rather is that these behaviors reach a maximum on their own." Acting through voluntary affiliations (the "little platoons," as Burke called them), people continually make the small adjustments necessary to facilitate their pursuit of happiness. In order to allow that to happen, "the government's main task is to make sure that no one interferes with people coming together in these acts of mutual benefit."

Mr. Jefferson's Spinning Jenny

In the carrying out of this task Murray sees very little role for the federal government. To the extent that he is arguing for devolution—reassigning the tasks of government to the levels as close to the people as possible—few conservatives will disagree. But this is only the smallest part of what he is doing, as we see in his final pages when he sketches a design of the ideal society: a society of self-governing towns, constrained in the exercise of power only by the "basic rules of the game adopted at the outset" and enforced by the severely limited central government.

Curiously, he describes this as "a structure eerily similar to the one produced in Philadelphia in 1787." But in fact it is nothing of the sort, for it entirely ignores the most salient, indeed indispensable, element of the structure of 1787—the states. Nowhere in the book does

KARL O'LESSKER, *a member of the Indiana Utility Regulatory Commission, has written frequently on politics and government for the* American Spectator, *the* Wall Street Journal, *and* Policy Review.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Murray have a thing to say about the states; it's as if they are not now and never have been a part of the American system. Yet state government is today—as it has been for most of our history—one of America's most creative institutions for problem-solving.

Murray appears to envision American society as being different in no essential respect from that "struggling agricultural nation" of Jefferson's day. Can he really see no major role for government in an economy overarched by multibillion dollar multinational corporations? Is the infrastructure appropriate to a nation of six million people suitable for one of 246 million? And if as of course it isn't, what agencies other than the state and federal governments can see to its construction and regulation? The enormous differences between Thomas Jefferson's and George Bush's America make the governments of the two societies necessarily as different as a spinning jenny is from a jet engine.

Now, granted, the existence of multinational corporations and a vast population does not preclude the existence of vital and flourishing voluntary associations. But neither does the welfare state preclude them. If it is true, as Murray reminds us, that most of us are inclined to be less given to charitable acts when we know that the trillion-dollar state is perfectly ready to feed the hungry, subsidize the arts, or provide housing and medical care for the poor, it is equally true that membership in little platoons is the best defense we have against both the anonymity and anomie that plague mass society.

One of the virtues of *In Pursuit* is that it reminds us, powerfully, of just how important this is. The sympathetic reader may be puzzled, though, by what it is that Murray wants government to do about voluntary associations, other than stay out of their way. But is government really in their way now? I hardly think so, given the vast number now in existence and more open than ever to anyone who wants to join.

Murray's central concern is that the modern welfare state has usurped many of the most important functions of little platoons, thus causing them to be less vital than they should be and less useful than they could be. But this, as they say in academia, is an empirical question, and it is not at all clear from the evidence Murray presents how much of this displacement there has been or with what effect.

In my view, however, even if we accept Murray's impressionistic belief about the impact of the welfare state on voluntary associations, we are left with the critical question of how we can reverse the process, how we can return to a system in which voluntary associations perform many of the key social tasks now handled by the welfare state. Quite properly, Murray asserts that *In Pursuit* was not written as a blueprint for political action. But it seems to me, at least, that when an author calls for a major restructuring of a great nation's political system, he has some obligation to give us a hint of how we get there from here.

School Reform on the Cheap

The policy area in which Murray comes the closest to offering specific reforms is public education. He devotes the better part of two chapters to analyzing the desperate difficulties we face in trying to resuscitate our schools. After demonstrating with great ingenuity that neither competency testing nor better salaries will produce better teachers, he concludes that the only practicable solution is to introduce a system of tax credits and let parents pay for schools of their own choosing.

He is by no means alone in arguing that schools will improve significantly only if we can somehow break the death-grip that the public education bureaucracy presently has upon the teaching of our children. I am highly skeptical, however, about two key aspects of his proposed solution. One is his preference for tax credits as opposed to education vouchers, a preference that he justifies only in a footnote. The problem with it is that millions of poorer Americans—those whose children are stuck in the worst schools—pay no income tax and therefore would receive no subsidy with which to buy nonpublic education.

The second, and perhaps greater, problem lies in Murray's apparent belief that a dramatic revitalization of American education can somehow be accomplished on the cheap, with no more expenditures than at present: The tax credits would be limited to what it now costs to educate children in public schools. And while there would certainly be savings from eliminating a good chunk of the existing public school bureaucracy (administrators, not teachers), teachers' salaries would not have to rise very much, if at all, because teaching would once again be regarded as a psychically rewarding profession and much better men and women would be attracted to it.

Well, maybe. No doubt some idealistic young people would choose to go into teaching under those morally improved circumstances. But Murray, who evidently has not been around many undergraduates in recent years, is living in a Jeffersonian dream world if he thinks the number will be large. In fact, there are plenty of opportunities for bright, idealistic young people to do good things with their lives if they are willing to settle for the kind of salaries that characterize most public school systems today—salaries that Murray says are perfectly okay since they are measurably above subsistence level.

My own view, as someone who has been a college professor for much of his adult life, is that public education badly needs rethinking and reform. Quite possibly, greatly expanded competition from publicly subsidized "private" schools would be an important spur to reform. But it is just silly to think that this or any feasible alternative would come cheap. And deeper by far than the fiscal problem is the cultural: Neither ghetto nor middle-class schools will improve dramatically so long as the youth culture and parental attitudes remain as they are—a matter to which Murray gives no attention at all.

In this book, unlike the solidly empirical and brilliantly analyzed *Losing Ground,* Murray has indulged his most ideological impulses. Some of his discussion appears to be based on social science research; but for the most part he is concerned to advance a Jeffersonian (and libertarian) thesis with no regard to the severely practical problems that his ideology entails. The result is a beautifully written book that seems unlikely to make the kind of contribution to public discourse that its weight and seriousness deserve.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

LETTERS

Robert Kagan, Herman W. Nickel, Alex Alexiev, Rosanne Klass, Lawrence J. Schweinhart and David P. Weikart, Lisbeth B. Schorr, Nancy Feyl Chavkin, George G. Graham, Carol Statuto, John J. DiIulio Jr., Samuel Walker, Jerome G. Miller, Daniel Glaser, William F. Buckley Jr., Strom Thurmond, Barry Goldwater, M.E. Bradford, Carl F.H. Henry, Richard John Neuhaus

On Conservative Conspiracy Theories

Dear Sir:

Constantine Menges' analysis of U.S. foreign policy ("The Diplomacy of Defeat," Fall 1988) reminds us that the Left does not hold a monopoly on nebulous conspiracy theories that exploit prejudices and fears. Mr. Menges argues that "since late 1986, the State Department has come to determine U.S. policy on Nicaragua" and that it "defined foreign policy as diplomacy." Mr. Menges then implies, but never states, that this State Department attitude somehow led to the disastrous Arias peace plan. The only actual deed he points to in support of this theory is that Secretary of State George Shultz supposedly persuaded President Reagan to go along with the "Reagan-Wright" plan.

The difficult question, which Mr. Menges reduces to misleading simplicity, is, what role should "diplomacy" have played in American policy toward Nicaragua?

There were three schools of thought in the Reagan administration on the subject of diplomacy. One small group believed the U.S. should look for the best deal it could get from the Sandinistas; this group supported the Contras only to the point of negotiating that deal, which did not include the dismantlement of the regime, but did include cutting troop levels, Soviet and Cuban advisors, and support for terrorism and subversion. A steadily diminishing minority of foreign service officers in the Latin American bureau held this view, as did some Reagan appointees in the senior reaches of the State Department, and some of President Reagan's closest West Wing advisors throughout his two terms. It is a view that many in and out of the government have scorned, feared, and called treacherous. History may be kinder to it, however, if the Bush administration quietly consigns the Contras and Nicaragua's political opposition to relative obscurity.

The Reagan (and Shultz and Abrams) Doctrine

A second, and much larger, group of Reagan officials always doubted that any agreement with the Sandinistas would be worth the paper it was written on, but believed the administration could not oppose all negotiated solutions. They believed, with some reason, that Congress would never support the Contras under terms that seemed to promise a war with no end in sight. Hence the problem that Mr. Menges doesn't address: If you don't trust the Sandinistas, but you believe a "diplomatic track" is unavoidable because of domestic politics, how do you square the circle? The answer was to insist that democratic government in Nicaragua, i.e., a dismantling of Sandinista totalitarian rule, be part of the peace settlement, in addition to all the security issues. This was in keeping with President Reagan's support for democracy around the world, and it was the policy that won out in the administration from about 1985 on. Its primary adherents were George Shultz, who publicly endorsed it in a 1985 speech; Elliott Abrams, a name not even mentioned in Mr. Menges' article; Abrams' career foreign service subordinates in the Latin American bureau; and last, but not least, President Reagan, who, as Mr. Menges himself divines his thinking, sought "a genuine settlement" in which the Sandinistas would "permit" democratic elections and abide by the other security commitments.

In the context of this "two-track" approach, the administration won $100 million in military and humanitarian aid for the Contras, the first and only time military aid was openly approved by Congress. The State Department helped lead the effort to win this aid. As a result, the Contras challenged the Sandinistas as never before from the end of 1986 through 1987 until they were cut off by Congress in February 1988. With very little luck, this strategy might well have shaken the pillars of Communist rule in Nicaragua.

Iran/Contra's Crippling Effects

So what happened? Well, for one thing, the Iran/Contra affair crippled the presidency and U.S. policy in Central America. Mr. Menges doesn't even hint at this in his article. Opponents of Contra aid in Congress, with the connivance of the Sandinistas and President Arias, tried to exploit the weakness of the administration and the weakness of the president's diplomatic strategy. And there was an inherent weakness. The administration would accept a "genuine settlement" that included democratization, but it didn't trust the Sandinistas. Nevertheless, it was with the Sandinistas that the deal had to be made. Therefore, as Mr.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Menges puts it, the Contras "had to be supported" until the Sandinistas implemented the agreement, i.e. held free elections and met all the security provisions. So the deal for the Sandinistas was: You dismantle your regime, kick out your Soviet-Cuban support structure, and prepare for elections. When you're all done kicking the Soviets and Cubans out, reducing your armed forces and getting yourselves voted out of power, the administration will stop supporting the Contras. This was a reasonable position for the United States to take toward a hostile, dictatorial regime. And if the Sandinistas had been decent, God-fearing Democrats, perhaps they would have taken it. But, of course, the Sandinistas are Marxist-Leninist dictators. Given the choice between dismantling their regime or facing the Contras sporadically backed by a divided U.S. Congress, the Sandinistas chose option two.

Calling Reagan's Bluff

That was fine, so long as Congress continued to support Contra aid. But the Iran/Contra scandal, except maybe for about two weeks after Oliver North's public testimony, severely damaged support for the Contras in Congress and in the public opinion polls. Liberals in Congress, and Costa Rican President Oscar Arias, seized on the administration's weakness and, in essence, called its diplomatic bluff. The administration wanted democratization, they would give it democratization. But they never accepted the administration's principle of "simultaneity"—that the Contras be kept armed until the Sandinistas had lived up to all the terms of the deal.

The administration, from the beginning, opposed the deal offered by Arias, so the State Department, through Philip Habib, tried to get Arias to put deadlines, sanctions for noncompliance, and "simultaneity" into his plan. These efforts failed. After the Arias plan was signed, the administration fought for the principle of continuing Contra aid until the Sandinistas took "irreversible steps" toward democratization. It pushed that point, and it lost, because Congressional support for keeping the Contras armed just wasn't quite there.

In the summer of 1987, the administration, still reeling from the Iran/Contra scandal, realized that the Sandinistas and Arias were trying to kill the Contras by working directly with Congress. The new Howard Baker White House was eager to repair relations with Congress and to put the Contra issue behind it. Thus it was at the White House's instigation, not the State Department's, that negotiations began on the Reagan-Wright plan.

Wrong on Wright

The White House, and the State Department, believed that the negotiations with Wright were desirable. They believed that a partnership with the Texas Democrat was better than a congressional peace plan orchestrated by Chris Dodd. But both made a political miscalculation. Wright wasn't worried about votes in Fort Worth; he was worried about votes in the House Democratic Caucus, with its left-liberal majority. Nevertheless, the "Reagan-Wright" plan that came out of the negotiations was a pretty good deal. The Sandinistas had to come across on a series of meaningful steps by the end of September, just two months after the deal was agreed to, or the administration would try to renew Contra aid. Would Wright have voted for it? Who knows? But the existence of the agreement might have won enough southern Democratic votes to get Contra aid passed again in September.

The Reagan-Wright plan scared the Sandinistas, so they leapt onto the Arias plan. Wright was catching hell from the dominant left-liberal faction of his party, so he leapt for the Arias plan, too. (Maybe Wright knew what was going on all along. There's no way to know for sure at this moment.)

Should the administration have foreseen that the signing of Reagan-Wright might lead to the signing of a far inferior Arias plan two days later? Yes, it should have. And it should have taken greater care to explain to our two closest allies, El Salvador and Honduras, what it was trying to do with Reagan-Wright and why, before they went to the Central American summit. The administration believed it had found a way to put the Sandinistas to a quick and difficult test that would likely lead to more Contra aid. But the Central Americans misread U.S. intentions badly, and who can blame them?

The "Drop the Pretense" School

The third school of thought existed among a tiny circle in the Reagan administration and some Republicans in Congress, but mostly among many conservatives outside government. This small group argued that the administration ought to come out publicly and say that the goal of its policy was simply to support the Contras until the Sandinistas were forced out of power, overthrown, or militarily defeated. In short, drop the pretense of a diplomatic track. The argument was that only by standing up and stating its true goals, and the means by which it hoped to achieve them, could the administration possibly win. And if it had to lose, it was better to lose on the simpler and more powerful issue of "Contras versus Communism."

The problem Menges addresses was inherent in President Reagan's whole strategy, and not the result of unnamed conniving, disloyal State Department bureaucrats who love only diplomacy.

—Robert Kagan

This may be the most potent argument against the policy the Reagan administration followed. The conservative critics were right on one central point. From the beginning, President Reagan's strategy, even as Mr. Menges articulates it in his article, held within it the possibility for its own destruction. If Congress was bent on a "diplomatic solution" and was unwilling to support the Contras for as long as was necessary to accomplish the goals the President set out, the administration's willingness to accept even a "genuine" settlement could always be put to the test. And such a Congress was unlikely to support Mr. Menges' preferred offer to the Sandinistas—"dismantle yourselves, or we will dismantle you" remote—no matter how moral and justifiable that position was.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A More Honorable Death?

The administration could have said it would accept no settlement, "genuine" or otherwise, that allowed the Sandinistas to remain in power. Congress would still probably have killed it, but perhaps it would have been a more honorable death. The administration never did so because, by 1986, the White House, the State Department, the National Security Council, and leading conservative Republicans in both the House and Senate believed that the administration would lose the support of Congress if it said more strongly that it wanted the Sandinistas out, and that the possibility of a negotiated settlement was remote. This is a legitimate subject for debate. It was always a close call. The administration both won and lost Contra aid votes by tiny margins—in the last vote, a handful of House Republicans made the difference. It is hard to argue that the policy the administration followed was clearly mistaken and that, in the absence of the Iran/Contra scandal, it would not have succeeded.

One could pour all the combined efforts of Caspar Weinberger and the Joint Chiefs of Staff on behalf of the Contras into a very small hole in the Honduran soil.
—Robert Kagan

Mr. Menges' argument would be more defensible, however, had he advanced this legitimate critique of administration policy. But the problem is that such an analysis doesn't support his conspiracy theory. Mr. Menges would have to admit that the problem he had addressed was inherent in President Reagan's whole strategy, and not the result of unnamed conniving, disloyal State Department bureaucrats who love only diplomacy.

No Conspiracy, Just Congress

Mr. Menges argues that this conspiratorial work can be undone now, if the Bush administration puts its full weight behind a call for renewed aid to the Contras. I'm all for it. But where Mr. Menges then blithely claims that "there would likely be enough congressional Democrats who would vote with the president," one can't but wonder which congressional Democrats he is talking about. Is it not incumbent upon him to try, at least, to support such a crucial assertion with some fact or insight? After all, that is what this whole argument is about, although Menges doesn't admit it. If it was simply true that the votes were always there in Congress for Contra aid, the Reagan administration would not have embarked on such a complex and dangerous diplomatic strategy. But the theory shapes the analysis. In order to show that the conspiracy undermined the president's policy in Nicaragua, Mr. Menges also wants to show that the president's policy would have worked if it had been followed in its supposed crystalline purity. He can't, so he merely asserts it.

"Reagan-As-Dunderhead"

Mr. Menges' theory, as expounded in his book and in this article, is the conservative corollary to the liberal "Reagan-as-dunderhead" theory. All the supposed betrayals were going on right under the president's nose, and against the concerted efforts of a merry band of Reagan loyalists. Frankly, I wish Mr. Menges would spare us stories about the herculean efforts of Caspar Weinberger to save the Contras. Weinberger was truly a national hero for what he did on behalf of the U.S. defense buildup and in blocking bad arms treaties. But one could pour all the combined efforts of Weinberger and the Joint Chiefs of Staff on behalf of the Contras into a very small hole in the Honduran soil. They didn't ever really want to hear about Nicaragua.

President Reagan and his chosen appointees in the State Department and elsewhere did about the best they could to keep the struggle against the Sandinistas alive for as long as possible in the overall effort to preserve the security interests of the United States and Central America. They made some occasional tactical errors, had some brilliant tactical successes, but were ultimately defeated by forces too great for any "public diplomacy" strategy: an unwilling Congress and a monumental political scandal. We don't need another stab-in-the-back theory to explain this series of events.

Robert Kagan
Deputy to Assistant Secretary
Elliott Abrams, 1985-88
Senior Fellow
U.S. Naval War College Foundation
Washington, DC

Angolan Jeremiad

Dear Sir:

Constantine Menges' jeremiad on the Angolan/Namibian accords requires the willing suspension of disbelief on a number of dubious propositions, including the following:

1) Throwing its current strategy in reverse, the Soviet leadership will actively collude with Cuba in massive violations of the agreement because its interest in Angola/Namibia outweighs any adverse impact on Soviet relations with the U.S., the Western Alliance, and much of the Organization of African Unity, as well as Soviet internal priorities.

2) Even without Soviet blessing and connivance, Cuba by itself is strong and determined enough to project its military power across the Atlantic and maintain a powerful expeditionary force in Angola, in open violation of an agreement supervised by the United Nations.

3) If it were not for "the diplomacy of defeat," South Africa could have been counted on to stay on the Namibian-Angolan border indefinitely, ready to continue supplying and fighting alongside UNITA, regardless of ever-mounting military, diplomatic, financial, and political costs.

4) Jonas Savimbi is better off if an agreement is delayed and 52,000 Cubans stay where they are until such time as the MPLA agrees to free elections in accordance with the 1975 Alvor Agreement.

American Brezhnev

5) The U.S. supports free and unsupervised elections in Namibia only so long as there is no risk that SWAPO will win them. (A U.S. Brezhnev Doctrine?)

6) Despite the continued near-total logistical dependence of Namibia on South African port and rail links, a Marxist-Leninist SWAPO regime will throw all caution to the winds and turn Namibia into a

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

launching pad for ANC guerrilla operations across the Orange River into South Africa.

7) The South Africans failed to consider the security implications of the Namibian/Angolan agreement.

8) For eight years, it was the "State Department establishment," not a Republican presidential appointee named Chester Crocker, who pursued the administration's negotiating concept, and all this time Ronald Reagan was simply "out to lunch."

If you can believe all that, then you must be—well—a true believer.

Herman W. Nickel
U.S. Ambassador to South Africa, 1982-86
Washington, DC

Cogent but Flawed Analysis

Dear Sir:

Mr. Menges ably analyzes the defects of agreements negotiated by the State Department in Afghanistan and Angola, as well as the Arias plan on Nicaragua, to demonstrate one of the ubiquitous problems plaguing U.S. foreign policy—the myopic belief by State Department bureaucrats, and the foreign-political establishment more generally, that foreign policy essentially boils down to diplomacy. This, in turn, creates an "art for art's sake" attitude toward negotiations and ultimately the conviction that any agreement, however flawed, is better than no agreement at all. The generally dismal record of negotiating with totalitarians, from Munich to Yalta to Salt I and II and the Vietnam "Peace" Accords, has evidently done little to cool such untoward negotiating fervor.

Strife Among Mujahideen

Mr. Menges correctly identifies what seems to be the main motivating factor behind this unfortunate mindset. Namely, there are tremendous incentives, in terms of career advancement, media attention, and prestige, for foreign policy officials to conclude all manner of treaties and agreements with adversaries, but no penalties for their later failure.

There are, however, some areas where Mr. Menges' analysis of the "diplomacy of defeat" is less persuasive. First, his cogent critique of the seriously flawed Afghan agreement begins to lose credibility when it implies that it would somehow guarantee the Soviets and their Kabul puppets the victory they were unable to secure in nine years of genocidal war and an unprecedented campaign of terrorism and intimidation against Pakistan. Contrary to what the article claims, there was no credible evidence that the Kremlin and its client regime were in a stronger position after signing the treaty than before, or that Pakistan had been intimidated into cutting off the resistance, thus weakening it significantly. The Soviets have pulled out, and the only thing that can prolong the life of the doomed puppet regime in Kabul is serious internecine strife among the mujahideen and not this unfortunate treaty.

The Soviets, it should be remembered, sought the agreements as a salvage and face-saving operation after they had decided to get out because their prospects for military and political victory were rapidly fading while costs were mounting. Though the administration had no business helping the Soviets out of their predicament by guaranteeing the agreements, this changes little in the basic fact that the Soviets have suffered their first major defeat in decades of expansionism by force of arms. Conservatives and friends of freedom should recognize and celebrate this watershed event rather than act as if they were trying to deny Moscow the defeat it so richly deserves.

Reaganite Rhetoric vs. Reality

Second, by concentrating on the defects of the treaties and negotiating behavior alone, Mr. Menges misses a more fundamental problem in the administration's policies toward anti-Marxist resistance movements—the deep gulf between the rhetoric and the reality of Washington's support for people fighting oppressive Communist regimes in the Third World. Despite constant rhetoric of support for "freedom fighters" and the alleged existence of a "Reagan Doctrine" to that end, except for Nicaragua the administration did little to match words with deeds.

In Afghanistan, for the first six years of the war, U.S. assistance to the mujahideen was grossly inadequate both quantitatively and qualitatively. As early as 1983, informed observers agreed that only a dramatic increase in the volume of aid and the delivery of advanced Western anti-aircraft missiles and long-range weapons would give the Afghans a fighting chance to advance their cause. It is a matter of record that the State Department not only did not support such a policy, but, in fact, vigorously opposed it. And the fact that increased aid and such weapons did eventually turn up on the battlefield in late 1986, tipping the scales against the Soviets, was not the result of a State Department change of heart, but a determined bipartisan congressional effort beginning in the fall of 1984 that eventually forced the administration to raise the ante.

Similarly, in Angola, despite President Reagan's declared commitment to support UNITA as early as the election campaign of 1980, no support was in fact given or even contemplated during the first six years of the administration and there was no serious effort to repeal the Clark Amendment. As in Afghanistan, it was Congress that eventually took the initiative in repealing the amendment in 1985, thus opening the way for modest aid to Savimbi, opposition by the State Department notwithstanding.

To believe Menges, one must accept the dubious proposition that for eight years it was the "State Department establishment," not a Republican presidential appointee named Chester Crocker, who pursued the administration's Angolan negotiating concept, and that all this time Ronald Reagan was simply "out to lunch."

—Herman Nickel

Elsewhere the record was even worse. There was no U.S. official policy of support for the resistance in Cambodia, for instance, (except for a measly $5 million mandated by Congress) while in Mozambique the State Department declared the resistance fighters to be bandits and threw its support behind the Marxist regime. Surely, the 10,000 ill-fed and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

-clothed RENAMO guerrillas fighting in the jungle for more than 10 years must be the most motivated group of bandits in modern history!

Finally, Mr. Menges' article is marked by a shortcoming typical of recent conservative writing on the foreign-policy conduct of the Reagan administration—a reluctance to apportion a share of the responsibility for failed or uninspired policies to the White House and the chief foreign policy executive himself. President Reagan's place in American history as one of the greatest presidents of this century is already secure; admitting that he was sometimes remiss in seeing his stated objectives carried out will not change that. It is important to understand what motivated the State Department to pursue policies in contradiction to the president's declared preference. But in order to avoid similar problems in the future, we must also know why and how they were allowed to do it. It would appear that in this case the proverbial buck stopped not in the Oval Office, but at the desks of assorted Foggy Bottom bureaucrats.

Conservatives should celebrate the fact that in Afghanistan the Soviets have suffered their first major defeat in decades of expansionism by force of arms.

—Alex Alexiev

Alex Alexiev
RAND Corporation
Santa Monica, CA

Menges' Unanswered Questions

Dear Sir:

Constantine Menges has accurately summarized the history and most glaring flaws of the Geneva accords on Afghanistan and correctly concludes that their results will probably be disastrous. These almost certainly include continuing conflict and strategic Soviet control, with or without an overt military occupation. There are indications that they may eventually lead to a partitioned Afghanistan, its mineral-rich north a Soviet colony while the devastated south becomes a springboard for the eventual dismemberment of Pakistan along ethnic lines.

Paper Loopholes

Interestingly enough, no U.S. or U.N. official has answered the concrete questions raised by Mr. Menges and other critics of the accords. The main—indeed, the sole—argument put forth in favor of the settlement was that it would lead to the total withdrawal of Soviet troops. But the accords are full of loopholes for Moscow and Kabul—though not for Pakistan, the United States, and the resistance they support. As Mr. Menges points out, there is no adequate provision for enforcement or verification, and no penalty for violations. The 25-man U.N. monitoring team (in a country larger than France) must get permission and transport from the Kabul regime for any inspection; American satellites cannot penetrate the extensive underground Soviet military installations, or even buildings and tents, to see what they contain. In Washington last November, resistance leaders expressed astonishment at the gross difference between official American descriptions of the situation and what their own commanders reported from the field. Thus far the United States, the U.N., and Pakistan (under pressure) have accepted Soviet claims, rejecting conflicting evidence. However, close study of publicly available information, including statements by the late President Zia, suggests that many thousands of Soviet troops may secretly have remained after the withdrawal was proclaimed complete, including 4,000 *jowzjani* reported by the *Washington Post* in Kandahar, who are actually not Afghans but KGB Central Asian border guards.

Flagrant violations of the accords—high-level bombing of Afghan civilian targets by Soviet planes flying from Soviet bases; air and artillery attacks and subversion against Pakistani territory in which Soviet personnel have been involved; the renewed mining of villages to which refugees are to return; the introduction of SCUD missiles and MiG-27s, fetchingly described by Moscow radio as "peaceful long-range weapons"—have produced no outcries of international outrage.

The widespread assumption that, once the Soviet army was gone, "fortress Kabul" and other major strategic positions would rapidly fall to the resistance ignored the cut in aid noted by Mr. Menges. The resistance today is significantly less well-equipped than it was a year ago. It has no heavy weapons or mine-detection equipment needed against tanks, fortifications, artillery, and huge minefields. Its supply of ground-to-air missiles is low and dwindling, leaving mujahideen and civilians once again vulnerable to air attack.

Meanwhile, although its conscript army may be weak, the Communist regime has developed effective paramilitary units, primarily among the secret police (KhAD) and the special Palace Guard, whose lives are at stake if the regime falls to the resistance. Moscow has provided massive military supplies and promises to continue. The resistance certainly cannot defeat them if it is denied the necessary means to do so.

Soviet officials say that the Soviet Union will support the Afghan Communists "by every necessary means" (although they may replace some individual leaders with others whose ties to the U.S.S.R. are less visible). In January, Soviet ambassador Yuli Vorontsov warned resistance leaders that unless they accept Communists in a Soviet-designed "government of reconciliation," Moscow will introduce still more new weapons into Afghanistan. Since the Afghan people have been fighting to oust not only the Soviet troops but the Communist regimes Moscow has installed since 1978, Soviet insistence on a partly Communist regime is a recipe for civil war and chaos.

The Soviets are pushing hard on several scenarios, any of which would serve their long-range strategic interests in the area. United Nations and State Department officials have publicly said that the sole international interest in a settlement is to confirm the withdrawal of Soviet troops. It is the tragedy of the Afghan people that they want their freedom, too.

Rosanne Klass
Freedom House
New York, NY

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Constantine Menges responds:

Mr. Kagan calls the Reagan-Wright plan of August 1987 a "pretty good deal," but then some paragraphs later he says: "Should the administration have foreseen that the signing of Reagan-Wright might lead to the...far inferior Arias plan two days later? Yes it should have." This was a major State Department error in judgment, and an indication of its failure during the Reagan years to understand the linkages between events in the U.S. and Central American political arenas. Congressman Jack Kemp warned the administration about this likely result, as did the *Washington Times* and Secretary of Defense Weinberger, but Secretary Shultz still persuaded the president to make this mistake.

I agree with Mr. Kagan that the Iran/Contra issue posed serious problems in the summer of 1987. But the administration had the opportunity—as Mr. Kagan admits—following the positive impact of North's July 1987 televised testimony to seek full military funding for the Contras as Congressman Kemp publicly urged in July 1987. The State Department apparently was not in favor and this was another mistake.

I am surprised at Mr. Kagan's description of my analysis as implying "conspiratorial work" or suggesting that "disloyal State Department bureaucrats" were "conniving." There is no such suggestion. Rather, both my article and book assume the good intentions of the protagonists in the executive branch but criticize some of the key judgments made.

Unfortunately, my article, written in the summer of 1988, accurately prefigured the Angola/Namibia settlement signed on December 22, 1988. I stand by my criticism. All but 1,500 South African troops are to be out of Namibia by July 1, 1989, while Cuba by then will only have to remove 3,000 of its 50,000 (UNITA contends that there are 60,000 Cuban troops). This makes it quite likely that the pro-Soviet SWAPO will take over Namibia before all the Cuban troops are scheduled to be out of Angola in July 1991. In early September 1988, Savimbi asked: "What is Crocker trying to do...dig the graves of his friends?" Following the signing of the defective agreement the Communist side has kept up a stream of accusations against South Africa.

There is no guarantee that the Cuban troops will actually withdraw unless UNITA has been defeated. The separate Cuban/MPLA agreement even explicitly states that they may change the withdrawal schedule if these two Communist governments decide that South Africa is violating the Namibia agreement. I remain pessimistic and believe Ambassador Nickel's optimism is not warranted by the agreements or historical experience.

Concerning Afghanistan I agree with most of what Mr. Alexiev and Miss Klass have said. It seems to me that the Soviet Union and the Kabul regime tried to do what my article suggested they would: coerce Pakistan into terminating aid to the Afghan resistance and use increased military force and political stratagems to weaken the resistance. As Miss Klass says, the Soviets sharply increased their bombing from Soviet territory, brought in and used additional jet fighter-bombers and ground-to-ground missiles, and halted their withdrawal for months. Fortunately the resistance and Pakistan were able to continue their activities and the Soviet Union then withdrew additional forces and claimed that all had left by the February 15, 1989, deadline.

I hope Mr. Alexiev is correct in concluding that "the only thing that can prolong the...doomed puppet regime in Kabul" is disunity within the resistance. There is still a Communist regime in Afghanistan. Leninists like to recall the dictum "one step back, two steps forward" during times of tactical setbacks. There is still a difficult challenge until the resistance can establish an independent, non-Communist regime. I contend that a good Afghan agreement would have traded safe conduct for withdrawing Soviet troops and Kabul Communists for the establishment of a new Afghan government led by the resistance. That would have saved thousands of lives and produced a positive result. In March 1989 the prospects for the resistance are much more hopeful but not guaranteed.

The essence of my analysis was that in Nicaragua, Angola, and Afghanistan, the State Department made the mistake of failing to focus its diplomacy on President Reagan's often repeated objective: to bring about independent non-Communist governments. Chances for success would have been far greater had the State Department done this. However, I do agree with Ambassador Nickel and Mr. Alexiev that the final responsibility for the failed diplomacy rests with the president.

Publicly available information suggests that many thousands of Soviet troops may secretly have remained in Afghanistan after the withdrawal was proclaimed complete.

—Rosanne Klass

Head Start's High Potential

Dear Sir:

Enid Borden and Kate Walsh O'Beirne have written an interesting though thoroughly puzzling review of National Head Start ("False Start? The Fleeting Gains at Head Start," Winter 1989). While they point out that the Head Start program isn't a cure for the educational and psychological consequences of poverty, most readers already know this from both the 1968 Westinghouse report and the 1986 Synthesis study, a project to examine a decade of assorted Head Start research and evaluation projects. From former executives in the Reagan administration, the reader would prefer an article providing insight on the complications of operating a national model program and not a complaint that it is difficult to do.

When President Johnson stated that Head Start was "well-tested" and a "success," he was not evaluating the project from the view of the psychometrician, he was judging it as a politician. This same political judgment has supported Head Start's slow expansion throughout the Reagan years. At the local level, parents, church leaders, country club members, and local politicians like what they see in the services Head Start renders to families and

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

children: health, nutrition, social welfare, child care, parent education, job training, and positive support for both economic and social values.

High-Yield Investment

Head Start also draws support from savvy business leaders who like the economics of a truly preventive program. As early as 1971, the Committee for Economic Development, a powerful group of more than 200 corporate executives, recognized the economic value of early childhood investment in reducing taxpayer burdens and improving the quality of the work force. Investment returns from high-quality childhood programs, verified by the recent High/Scope Perry Preschool Project economic analysis, make the same sense to corporate leaders as investment returns from hotels, manufacturing plants, and community infrastructure. Finally, community groups value the social benefits that such high-quality childhood programs provide to the community: reduced crime and delinquency rates; Head Start families moving off welfare and into the working class.

When it comes to social programs aimed at changing outcomes for disadvantaged children, the myth that "nothing works" cannot be maintained in the face of the hard evidence to the contrary now available.

—Lisbeth B. Schorr

These public groups have refused to base their judgment of Head Start upon short-term, narrowly focused educational or psychological evaluations that look solely at years-later reading achievement or shifts in questionable I.Q. scores. A program as vast as Head Start serving so many youth and their families in so many communities could hardly have obtained such a positive position if it were, as Martin Woodhead has said, a "politically precarious social and educational program."

How We Read the Evidence

In general, the public, seeing the value of the programs to the children and the families themselves have tended to ask the critics of Head Start to examine one or all of the following issues that impact Head Start graduates: transition from the preschool program into elementary school, the quality of elementary school programs, the ongoing economic and social problems faced by the family and, finally, the underfunding of Head Start programs themselves with its impact on staffing.

As the authors of "the most ambitious claims for preschool compensatory education," we read the sum total research on early childhood education this way:

1) In the short term, there is abundant evidence that high-quality early childhood programs improve intellectual ability at the program's end and for a couple of years thereafter.

2) In the mid-term, there is good evidence that high-quality early childhood programs reduce placement in special education classes.

3) In the long term, there is evidence from a few studies that high-quality early childhood programs lower high school dropout and arrest rates and encourage more post-secondary education and training.

Robust Results

The Perry Project has set the "track record" for what high-quality programs with adequate funding can accomplish with good curriculum, in-service training, supervision, parent involvement, administration, and evaluation. As a study which has been vigorously evaluated by independent educational researchers and economists, it has measured up to the challenge and become the basis for public planning and operating standards throughout the nation.

It is clear, however, that high-quality programs of any sort cannot compensate for all the disadvantages produced by poverty in the lives of children and families. But, with adequate support, Head Start can reach realistic goals. It can improve the life chances of children through improved nutrition and health. It can increase participation in regular education and encourage greater parental involvement. It can increase the likelihood of high school graduation, employment, and participation in further job training and education. Finally, it can reduce the incidence of teen pregnancy, teen-age arrests, and welfare utilization. Head Start is hardly a false start. We know it can work: it's up to us to see that it does.

Lawrence J. Schweinhart
David P. Weikart
Principal Investigators
Perry Preschool Project
Ypsilanti, MI

Breaking the Cycle

Dear Sir:

The dramatic long-term gains achieved by young children who participate in Head Start and other preschool programs have eluded Enid Borden and Kate Walsh O'Beirne because they don't understand the theory and looked at only a fraction of the evidence.

On theoretical grounds alone it should be clear that Head Start doesn't inoculate against hunger or poor health or school failure. Ms. Borden and Ms. O'Beirne seem surprised that the lower incidence of malnutrition and health problems found among Head Start participants was not still apparent several years after participation, but does anyone believe that supplementing a child's food and medical care for a year or two will guarantee that child's good health forever?

Overlooked Evidence

The more tenable theoretical premise, that by raising the probability of school success for disadvantaged children, Head Start could make permanent changes in their future prospects, has been borne out by the empirical evidence. Ms. Borden and Ms. O'Beirne looked at only a single study (Perry Preschool) of the effects of preschool education on outcomes in adolescence and young adulthood, and dismissed it as not definitive. I am puzzled by the authors' neglect of information from other research, including the findings of the inter-university Consortium of Longitudinal Studies, which analyzed the results of 14 large-scale studies of preschool education for disadvantaged children that began in the 1960s and collected long-term follow-up information.

I reviewed these studies in my recent book, *Within Our Reach: Break-*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ing the Cycle of Disadvantage, and found an extraordinary convergence of results. Like the Perry Preschool Project, all of these interventions offered the broad spectrum of services that are the foundation of the Head Start program. They included not only preschool education and child-care, but also health, nutrition, and social services, and an active collaboration with parents. Comparing participants to control groups, these studies found striking long-term differences: Among the youngsters who had been preschool program participants, fewer had repeated grades, fewer were placed in special education classes, drop-out rates were lower, teen pregnancy rates were lower, arrest rates were lower, and employment rates were higher. At a time when the importance of preschool education as an instrument of social policy is under debate, it is irresponsible to withhold from readers of *Policy Review* such essential information. If, among currently operating Head Start programs, there are some that are not achieving these results because their efforts have become diluted over time, let us make sure that the requisite funds and policies are in place to allow Head Start and other preschool and child-care programs to expand to achieve the benefits we now know they can achieve.

Social Programs that Work

Rates of delinquency, teen pregnancy, and school leaving have been reduced not solely by high-quality preschool education, but also by comprehensive and intensive programs of prenatal care, family support, child-care, and reformed elementary schools. When it comes to social programs aimed at changing outcomes for disadvantaged children, the myth that "nothing works" cannot be maintained in the face of the hard evidence to the contrary now available.

Lisbeth B. Schorr
Project on Early Interventions to Break the Cycle of Disadvantage
Harvard University
Washington, DC

Dear Sir:

Enid Borden and Kate Walsh O'Beirne pose an important question when they ask if Head Start's compensatory preschool education is good policy. It is hard to dispute the finding of the Head Start Evaluation, Synthesis, and Utilization Project that the gains of Head Start are transitory, but that should not lead one to conclude that we should abandon the Head Start program. We must view education as a continuum, not a series of isolated stages in a child's life. Services must start early and continue throughout elementary and secondary school. In short, we should not eliminate the Head Start program, nor should we continue to support Head Start in its present form.

Teacher Training

The authors correctly argue for higher academic expectations of children and more parent involvement in education at Head Start, but they need to consider the following crucial issues.

1) Although it is clear from Ann Henderson's review of the research (*The Evidence Continues to Grow,* 1987) that parent involvement improves student achievement, it is not clear whose responsibility parent involvement in education is. If parent involvement in education is to occur, there must be a joint effort between parents and teachers, and teachers must assume the leading role in the process.

2) We find that teachers have not been prepared to work with parents. Southwest Educational Development Laboratory's research indicates that only 4 percent of 575 teacher education programs surveyed offered a course on parents and teachers collaborating on their children's education. When teachers were asked if teachers need to be trained for working with parents, an overwhelming 87 percent agreed that this needs to occur.

3) The issue of whose responsibility it is to train teachers how to work with parents must be confronted. The National Association of Social Workers suggests that school social workers have the requisite skills and experiences to foster family-school partnerships through educator in-service training. Moreover, it is particularly important for social workers to reach out to disadvantaged, immigrant, and other parents who may have had limited or negative contacts with schools. By linking home, school, and community, school social workers can help unite families and schools.

Parent Involvement Begins at Home

4) Ms. Borden and Ms. O'Beirne's view of parent involvement is too narrow. The authors conclude that there is a serious lack of parent involvement because only a small percentage of parents are volunteering to spend a day a week at the Head Start center. Parent involvement is a broad term and encompasses much more than voluntarism. Joyce Epstein's research at the Center for Research on Elementary and Middle Schools at the Johns Hopkins University clearly demonstrates that the most effective type of parent involvement for increasing student achievement is parent involvement in learning activities at home, not voluntarism at school.

Ms. Borden and Ms. O'Beirne should be praised for making clear that Head Start is only a beginning and not an end in itself. The challenges ahead are: to continue Head Start in an improved form; to build upon, in the later school years, the initial Head Start gains; to insist upon higher academic expectations; and to achieve significant parent involvement throughout the school years.

Nancy Feyl Chavkin
Assistant Professor of Social Work
Southwest Texas State University
San Marcos, TX
(Endorsed by the National Association of Social Workers Commission on Education.)

Nurture, Not Nature

Dear Sir:

The *raison d'etre* of Head Start and a number of other programs is our continued dismay at the deplorable school performance, high delinquency rates, and unemployment record of children born illegitimately to poor, notably black, young mothers.

For the first time ever, a program—Head Start—demonstrated that the one- to two-year developmental delay manifested by these children upon entering school was

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

environmentally and not genetically determined, and that it could be prevented by intervention directed at the cause of the delay, environmental deprivation. Whether the program has to be modified or augmented, with more competent professional time and more parental involvement, is important to future planning and budgeting, but not a reason for allowing it to dwindle.

Borden and O'Beirne's emphasis on the food feature of Head Start is unfortunate, lending support as it does to the utterly false notion that more food, so overabundant and cheap, is somehow the answer to a problem that lies in our hearts and minds, not in poor children's stomachs.

—George G. Graham

Quick Fix

Ever hooked on the quick fix, we allowed just that to happen because the early gains were lost by the end of the second school year. Did anyone really expect a program of a few months' duration to have a permanent effect? What we do know, or should know after it has been proven in millions of children, is that "lost learning time," the expression used by Dr. Joaquin Cravioto of Mexico, is almost impossible to make up.

Food or Thought?

Ms. Borden and Ms. O'Beirne are absolutely right in emphasizing the need to protect children from being born into one-parent "families," but also, once born, to involve their parents in a professionally led program such as Head Start, designed to lift up the whole family. Their emphasis on the food feature of the program is unfortunate, lending support as it does to the utterly false notion that more food, so overabundant and cheap, is somehow the answer to a problem that lies in our hearts and minds, not in poor children's stomachs.

Before embarking on a willy-nilly expansion of the numbers of children participating in Head Start, the new administration would do well to look at ways of strengthening the existing programs and of continuing our support to the minds of these children throughout their years in what must become better schools.

George G. Graham, M.D.
Professor of Human Nutrition and Pediatrics
Johns Hopkins University
Baltimore, MD

Family Affair

Dear Sir:

Enid Borden and Kate O'Beirne have introduced a note of sanity into the politics of Head Start, arguing that many policymakers have an inflated view of what can be expected from an expansion of Head Start. The major cause of this inflated view is the tendency by advocates to equate the results of Head Start with those of experimental preschool programs in general and the Perry Preschool Program in particular.

As Ms. Borden and Ms. O'Beirne point out, the remarkable findings of the Perry Preschool Project—reduced teen pregnancy, crime, unemployment, and welfare use—have not been replicated by Head Start. Ronald Haskins recently noted in *American Psychologist* that not a single study of Head Start programs, as opposed to experimental preschool programs, has shown significant impact on these variables.

The prospects for success by Head Start or any other preschool program must be judged in light of recent demographic developments in American families. When Head Start began in 1965, the divorce rate per 1,000 population was 2.5. Over the next 20 years, that rate doubled. Similarly, the number of children involved in divorce nearly doubled, from 650,000 to about 1.1 million per year. Worse, the number of illegitimate births has exploded from 291,000 to around 900,000. Today, about 60 percent of black children are born out of wedlock. Since parental involvement is a major factor in the effectiveness of Head Start, shouldn't we expect these changes in family composition to have an impact on the program's success?

Inflated Rhetoric

Arguing that an expansion of Head Start is unlikely to yield long-lasting effects is not the same as arguing that Head Start is without success, or that services to low-income working mothers should not be provided, or that programs for low-income children should not be expanded. I believe Ms. Borden and Ms.O'Beirne are simply trying to overcome the inflated rhetoric that has characterized public discussion of Head Start, and to moderate expectations and thereby avoid the condemnation that is certain to follow when Head Start does not produce miracles.

Policymakers and researchers alike should be asking why Head Start has not achieved the outcomes that programs such as the Perry Preschool Project show to be possible. What are the changes that Head Start needs to undergo to improve its performance? We need to reexamine and improve what is potentially an important link in an overall strategy for fighting poverty.

Carol Statuto
Minority Deputy Staff Director
House Select Committee on Children, Youth and Families
Washington, DC

Enid Borden and Kate Walsh O'Beirne respond:

In his 1990 budget President Bush has requested an additional $250 million for Project Head Start, raising its budget from $1.235 billion to $1.485 billion. The program can expect to receive at least this amount in new funding, as it has always been enormously popular on Capital Hill. Yet, the letters published here indicate that there are trenchant questions about whether or not Head Start has had a lasting impact on the lives of poor children.

Messrs. Weikart and Schweinhart properly state that "the Head Start program isn't a cure for the educational and psychological consequences of poverty" and that is precisely the point our article made; yet, it is far from clear that lawmakers recognize this. Washington policymakers have come to believe that preschool programs for disadvantaged children have long-term benefits and are very cost-effective. The evidence clearly doesn't support this conviction with respect to Head Start. As we pointed out in our article, there *is* good evidence that some preschool programs can

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

reduce placement in special education classes and minimize grade retention rates. But Messrs. Weikart and Schweinhart's own study on the Perry Preschool Project remains the *only* model program, including those in the Consortium for Longitudinal Studies cited by Ms. Schorr, with impressive results in such measures of life success as reduced teen pregnancy rates, juvenile arrests, and welfare dependency. Studies of Head Start have consistently documented only modest, short-term gains. Lawmakers, unfamiliar with the research literature but all too familiar with glowing press accounts and Hill testimony about the efficacy of compensatory preschool programs, will vote for the new funding because they believe that it will lead to permanent improvements. In voting for increased funding, lawmakers should be aware that Project Head Start has had very modest results and that there is no evidence to suggest that more monies will lead to more impressive outcomes. Rather, a greater number of children—95,000 more, based on President Bush's proposed budget increase—will now enjoy the short-term gains attributable to their participation in Head Start.

Washington has heard the advocates' call for increased funding loud and clear. All of the letters cited above, however, agree that the program can and should be modified. This message must be communicated to lawmakers if the program is to have the long-term effects we all wish it to. As Dr. Graham says, "Before embarking on a willy-nilly expansion of the numbers of children participating in Head Start, the new administration would do well to look at ways of strengthening the existing programs."

Strengthening Abell's Hand

Dear Sir:

Richard B. Abell's "Beyond Willie Horton: The Battle of the Prison Bulge" (Winter 1989) was an excellent statement on the cost-effectiveness of incarceration and the lunacy of putting chronic and violent offenders free and unsupervised on the streets. To further strengthen Mr. Abell's hand, let me add the following observations:

1) His article repeated the finding of the incarceration benefit-cost analysis done by economist Edwin Zedlewski in a 1987 report for the U.S. Bureau of Justice Statistics. In sum, that analysis showed that putting a typical offender behind bars for a year costs $25,000, while permitting him to roam the streets and commit crimes costs over $430,000 per year (187 crimes times $2,300 in property and other damage per crime). Zedlewski's analysis was challenged by noted penologists Gordon Hawkins and Franklin Zimring in a recent edition of *Crime and Delinquency*, a journal of the (never-met-an-alternative-to-incarceration-we-didn't-like) National Council on Crime and Delinquency (NCCD). Hawkins and Zimring made several telling points against Zedlewski's analysis. Essentially, they challenged his statistical methodology (which, in fact, was seriously flawed), and they argued persuasively that the incarceration benefit-cost ratio was much lower than the incredible 17-to-1 ($430,000 divided by $25,000) he offered.

Irrelevant Critique

But Hawkins and Zimring did not bother to recalculate the ratio in a way that takes account of their methodological criticisms. The reason is simple: even if one recalculates, the cost-effectiveness of incarceration still seems overwhelming—not as high as 17, but still way above one. Instead, they concluded by doubting the worth of any such analysis (then why did they bother to attack Zedlewski?), and by decrying the fact that many citizens continue to demand more prisons.

2) Rather than respond appropriately to the well-chosen anecdotes that Mr. Abell used to put flesh on the incarceration benefit-cost analysis, rest assured that the NCCD crowd will cite them as atypical examples of what happens when predatory street criminals are released from confinement. And, of course, they will be wrong.

The Michigan prison program that released the brutal killer discussed by Mr. Abell on the opening page of his article released thousands of violent and/or repeat offenders long before they had served even half their sentences, and after lavishing "good time credits" on them even though they had raped, assaulted, and violated other major rules while in prison. These excesses were documented in one of my own books *(Governing Prisons)* and in journalistic series by Detroit newspapers.

Of course, some people never learn. The "progressive" leader of the Michigan Department of Corrections who presided over these tragedies gave a speech at the 1988 meeting of the American Correctional Association in which he lamented the demise of such "early release" measures and wondered aloud about the possibility of putting more violent offenders "in the community."

The people who suffer most when states get alternatives-happy are not the elite (mostly liberal) penal reformers who lobby for these measures, but the poor and underclass people who are the neighbors—and repeat victims—of those released from prisons and jails.

—John J. DiIulio Jr.

3) Mr. Abell hinted about the inverse relationship between imprisonment rates and crime rates. While our intuitions and our common sense endorse this notion, the data are too ambiguous to permit any confident generalizations on this score.

But one thing is certain: over three-quarters of the more than 3.5 million persons under correctional supervision in this country today are not incarcerated. Thousands of them have committed new crimes while on the streets. While there are several promising alternative options that involve intensive supervision of offenders, only a tiny fraction of "community-based" criminals are under such supervision. Rather than support these sensible alternatives to incarceration, all the anti-incarceration crowd does is whine about how they may "widen the net of social control."

Elite Reformers, Poor Victims

4) Mr. Abell might also have noted that the people who suffer most when states get alternatives-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

happy are not the elite (mostly liberal) penal reformers who lobby for these measures, but the poor and underclass people who are the neighbors—and repeat victims—of those released from prisons and jails.

One may wonder why it is that the anti-incarceration preferences of elite penal reformers with the NCCD, the American Civil Liberties Union, the Edna McConnell Clark Foundation, and other groups that make up the pro-alternatives lobby, have increasingly prevailed over the preferences of average citizens. And one may wonder why even the most reasonable and balanced analyses of the costs of this penological folly, and the real-life examples of the human tragedies that they cause, are so often derided as "sensationalism" or the product of a primitive "law and order" mentality by the press. The answer, I think, is that average citizens have not had their credible spokespersons and analysts to combat the perverted view of "criminals as victims" harbored by the well-funded and well-connected anti-incarceration minions.

If Abell is right, we could be well on the way to erasing the federal deficit, widening the safety net, and putting SDI in orbit simply by doubling the number of inmates in our prisons and jails.

—Jerome G. Miller

Three cheers for Richard Abell's efforts to change that.

John J. DiIulio Jr.
Associate Professor of Politics and Public Affairs
Princeton University
Princeton, NJ

Less than Meets the Eye

Dear Sir:

Richard Abell challenges the conventional wisdom about the soaring cost of imprisonment by making a startling case for incarceration: it is apparently 17 times *cheaper* to imprison a criminal than not to. Mr. Abell's argument is based on numbers. No abstract theorizing here. Imprisonment pays!

There is a lot less here than meets the eye. Mr. Abell's argument collapses upon closer inspection. Readers unfamiliar with recent criminal justice research will not spot his many sleights of hand with the numbers.

First, numerous criminologists have questioned the RAND Corporation estimate of an average of 187 crimes per year. Some put it at less than ten. Mr. Abell never mentions this crucial and ongoing criminological debate. Even a close reading of Mr. Abell's article reveals that about half of all currently imprisoned offenders "committed fewer than 15 crimes per year." Only 10 percent of those already imprisoned are the truly high-rate offenders.

Ah, but what if we lock up only the truly high-rate offenders? This runs afoul of the "prediction problem." There is a vast body of research (summarized in my book, *Sense and Nonsense About Crime*), which argues that we do not have the diagnostic tools to identify that select group from among all convicted offenders. Mr. Abell never mentions this problem.

The net result is that we will incarcerate many more low-rate offenders (15 or fewer crimes per year). The "savings" will only be 8 percent of what Mr. Abell promises.

Curious Mathematics

Mr. Abell uses an equally inflated estimate on the other side of his equation. Totalling all social costs, he estimates that each crime costs $2,300. A little common sense demolishes his analysis. Consider the $33.8 million Mr. Abell cites for annual criminal justice system expenditures. Obviously, prison costs will not decline. They will increase pursuant to his recommendation. Nor will police costs decline. The police perform many tasks unrelated to crime: maintaining order, providing services, etc. If crime goes down 25 percent, police budgets will not drop accordingly. That is a political fact of life. Reductions in commercial security costs, home security systems and the like might occur, but this is highly speculative.

A more realistic analysis of Mr. Abell's data yields a very different result. The typical offender commits 15 or fewer crimes per year; more than half of all felonies are thefts; the most expensive category of thefts involves an average of $646 in stolen property. The annual "savings" is $9,690. Let's be generous and double it, for the sake of argument. This is still less than the annual cost of imprisonment.

I have touched on only one of the more egregious flaws in Mr. Abell's computations. Interested readers might want to delve even further into the curious mathematics currently being practiced in the U.S. Justice Department.

Samuel Walker
Professor of Criminal Justice
University of Nebraska at Omaha
Omaha, NE

Roger Ailes Redux?

Dear Sir:

I tried, really, to take Richard Abell's article, "Beyond Willie Horton," seriously. Cognizant of Thomist etiquette, I went about the syllogistic task of distinguishing his minors, while not brutishly challenging his majors. But seriousness kept eluding me. I wanted simply to chuckle, lay "Willie" aside, and go about my business.

After a decade of "toughness" on crime, with all-time-high prison populations, and with very little return on the buck in terms of lower crime rates, I took Mr. Abell's article to be simply another reverberation from last fall's campaign posturing on crime. Having served three governors (one Republican, two Democrats), and, as a corrections "reformer," having survived "crook-baiting" in three legislatures distinguished neither by civility nor crime-free behavior, (Massachusetts, Pennsylvania and Illinois), I'm not totally naive in the political uses of symbols. In the ad-image game, Willie Horton was clearly a winner. But the election is over. Surely, Roger Ailes wasn't going to set the national agenda. I was wrong.

In a January speech, President Bush used Mr. Abell's figures as a rationale for building a quarter- billion dollars' worth of new federal prisons. Someone was taking this stuff seriously. Mr. Abell's paper is nothing new. It's in the grand tradition of neoconservative writers on crime, from James Q. Wilson to Charles Murray and Ernest van den

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Haag—the "pick and choose" school where fingers wander through the criminological literature in search of ideological argument. But Mr. Abell has ambled farther than most.

Erasing the Deficit?

If he is right, he has stumbled on something magnificent. If, as he claims, we save $40 million every time we lock up 100 offenders, the possibilities are limitless. Were the government to get its usual bite of these savings, we'd be well on the way to erasing the federal deficit, widening the safety net, and, perhaps along the way, putting SDI in orbit simply by doubling the number of inmates in our prisons and jails. A million and a half behind bars would generate something in the range of $640 billion. No wonder the president is impressed.

Others suggest even more gratifying pay-offs. California criminologists Franklin Zimring and Gordon Hawkins note that according to the formula Mr. Abell uses, we reached zero crime in the U.S. sometime in late 1985 (something that seems to have gone unnoticed)—the result of an earlier doubling of prison populations. But sadly, none of this is any more real than Mr. Abell's conclusions.

Inadequate Bumblers

I'm not unacquainted with "econometric" research methodology, upon which Mr. Abell rests his case. Even when such calculations work (and there's precious little evidence they predict much regarding the economy), they have little meaning unless grounded in reality. Having dealt with thousands of offenders, (violent and non-violent, career and non-career), the idea that each of these mostly ill-educated, inadequate bumblers from fragmented families accounts for $430,000 annually in crime costs is bizarre beyond belief. If Mr. Abell were correct, most of them would be millionaires by the time they reached 25.

The image that comes to mind is that of a studious Robert McNamara milling over computer print-outs of "body-counts," running them through his computer, and concluding we were winning the Vietnam war. It's a formula for similar disaster in our "war" against crime.

Skim Milk Justice

My impressions aside, even the econometricians are walking away from this one. The RAND Corporation, upon whose research Mr. Abell bases much of his argument, will shortly release a study on offender costs which tells quite another story. Unfortunately, the "draft," which sits on my desk as I write this response, is clearly marked "Do not quote or cite." I hope I haven't let the cat out of the bag.

But arguing the specifics of Abell's arguments is beside the point. It suggests "law and order" posturing is responsive to reason. It's useless to pretend it is. We're in the realm of show business, folks, a very old show business. As Gilbert and Sullivan put it, "Things are seldom what they seem. Skim milk masquerades as cream."

Jerome G. Miller
National Center on Institutions
and Alternatives
Alexandria, VA

Beyond Just Deserts

Dear Sir:

Mr. Abell's article brings a much needed cost-benefits perspective to criminal justice policies. My only criticism of it is that it doesn't go far enough in this approach.

The RAND study of 2,190 offenders in three states that the article cites shows not only that the typical male convict committed scores of crimes not on his record for each with which he has been charged, but also that he is unspecialized in his lawbreaking. This means that he commits petty thefts, burglaries and innumerable drug possession offenses as well as robberies and assaults, but chance alone determines whether he is caught for the major ones or the minor ones. This fact should lead one to challenge the current just-desert focus in sentencing that determines the penalty more by the current offense than by the total prior record. The crime for which someone is convicted should set an upper as well as a lower limit to the permissible penalty, but the range between these limits should be large. This would permit sentencing guidelines to determine the penalty by the frequency and recency of past convictions, and also by whether the offender's demonstrable legitimate income could have paid for his evident lifestyle, including his drug and alcohol use.

Reagan's Furloughs

The article's first page, like the Willie Horton videos in the 1988 campaign, departs too much from cost-benefit statistics to cite individual cases. Criminals are so diverse that cases can be selected to support any point of view that contradicts predominant patterns. That is what Ronald Reagan recognized when, as governor of California, he resisted efforts to end the state's prison furlough system after a releasee shot a police officer. As Reagan pointed out, in well-run programs only about 1 percent of furloughees fail to return to prison, and if the furloughs are granted for a few days only when the parole date is near, they protect the public. They do this by permitting the releasee to make home and job arrangements for parole, and by testing readiness for release better than does parole supervision in which the parolee is likely to be checked on in the community only about once per month, or less. If the Dukakis campaign had not been so inept, it might have cited rigorous research done for several years by Daniel LeClair of the Massachusetts Department of Corrections, which shows that furloughees have lower recidivism rates than similar prisoners not released before parole.

As then-Governor Reagan pointed out, in well-run programs only about 1 percent of furloughees fail to return to prison.

—Daniel Glaser

Money-Saving Alternatives

Much federally sponsored research demonstrates that the incapacitation of criminals accomplished by prisons can be done more cost-effectively by other means, for many offenders. Intensive parole and probation supervision, in which there may be as many as one officer for every two or three releasees, is cheaper than prison and permits close surveillance, as well as assis-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tance to further reformation. Sometimes the surveillance is aided by electronic monitoring devices to check that releasees are at home when they are supposed to be.

In summary, we can use not only prisons, but also their supplements and alternatives, much more cost-effectively than we do.

Daniel Glaser
Senior Research Associate
Social Science Research Institute
University of Southern California
Los Angeles, CA

Richard Abell responds:

The response to "Beyond Willie Horton: The Battle of the Prison Bulge" represents a major shift in the long-standing debate over crime and punishment in America. I find it particularly interesting that even Mr. Jerome Miller, who has long been the guiding beacon in the anti-prison movement, chooses not to challenge the basic thesis of the article (that we should not let capacity problems drive the decisionmaking process over whom to imprison and for how long), but devotes all of his energy to quibbling over the degree of monetary savings that actually may accrue through higher incarceration rates. This is a major departure from the tenor of the debate back in the 1960s and '70s when the permissive establishment's well-meaning but misguided zeal for rehabilitating criminals and protecting their civil liberties turned our criminal justice system into something resembling a sporting event. (It should be noted here that from 1963 to 1981 crime increased by 332 percent but prison construction increased by only a paltry 27 percent.)

Am I glad the civil-rights law (and its successor) passed? I find that hard to answer. I can be glad, in my heart, that the lynch mob hanged the murderer while worried about the strategic effect of direct action.
—William F. Buckley Jr.

The RAND Corporation data provide valuable knowledge about the criminal careers of current inmates and are a valuable tool in the effort to prognosticate, as a class, the future criminality of borderline offenders who are being released because of space limitations. The goal of the research was to identify all relevant costs associated with making an imprisonment decision, and while the estimates were rough, it is rather inconceivable, as Mr. DiIulio points out, that they were in error by the 1,700 percent needed to reverse the conclusion that imprisoning repeatedly convicted offenders is a better social investment than relatively unsupervised community release.

As some of the correspondents note, I relied for my article on research conducted by Edwin Zedlewski, staff economist of the National Institute of Justice. Those critical of the RAND data and subsequent econometric research should turn their attention to the January 1989 issue of *Crime and Delinquency* in which Mr. Zedlewski justifies the methodology used.

Despite Mr. Miller's assertion that we didn't get much bang for the buck by getting tough on crime and increasing our prison populations to an all-time high over the last eight years, Mr. Zedlewski made a relevant comparison of what crime rates would have been today under earlier policies. Running a simple regression on FBI Part I crime rates from 1960 to 1980, and projecting them forward to 1987, resulted in a projection of 7,481.4 crimes per 100,000 population in 1987—some 35 percent greater than what actually occurred. This projection even understates the effects by ignoring rising criminality, the impact of our current drug epidemic, and crimes not counted under the FBI Part I crime statistics.

Advocates of "alternative sentencing" (i.e., opponents of incarceration) exhibit a general reluctance to accept that the overwhelming majority of current prison inmates are predatory thugs. In 1986 over four-fifths of state prison inmates were recidivists. More than 60 percent of them had been either incarcerated or on probation at least twice; 45 percent of them three or more times; and an alarming 20 percent six or more times. Two-thirds of them were serving a sentence for a violent crime or had previously been convicted of a violent crime. A scant 5 percent were nonviolent offenders with no previous record and over half of these were convicted of drug trafficking or burglary—an offense that is defined as nonviolent only because through the grace of the Almighty no one was home at the time to get beaten, shot, or raped. We would be remiss not to recall that Al Capone was sentenced for tax-evasion, his "first offense."

I will agree with Mr. Glaser that new "creative" alternatives to prison may be appropriate for certain offenders who do not pose a threat to public safety and that they merit inclusion in our existing menu of punitive measures. However, for anti-incarcerationists to argue that mechanisms such as community service, restitution, house arrest, intensive supervision, and the like can supplant the need for further prison construction is specious at best.

The pressure being placed upon our overly strained prison system is coming not from these benign types, but from dangerous, violent repeat offenders. Our war on drugs is a major contributing factor. Drug-related arrests are up—in 1986, 12,285 persons charged with drug law violations were convicted in federal courts, an increase of 134 percent over the number of convictions in 1980. (By contrast, convictions of persons charged with other types of offenses increased 27 percent.) It does not require a degree in logic or mathematics to conclude that at this rate, the inmate composition of our federal and state prisons will become increasingly threatening—and so will the potential early releasees let out to make room for their brethren.

While I am always amused by the hue and cry for fiscal conservatism that emanates from unconventional quarters whenever the issue of prison construction is raised, we must not allow the exchequer to drive the moral convictions that are the underpinning of our criminal justice system. As Cicero so rightly noted, "*a natura hominis descenda est natura juris*"—the nature of law must be founded on the nature of man. Whether or not we can agree that constructing more prisons will reduce societal costs, we must keep firmly in mind that the purpose of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

prisons is not to save money, but to protect society and to punish the guilty.

Was the Right Wrong on Rights?

In "The Other Sixties: A Flag-Waver's Memoir" (Fall 1988), Lee Edwards wrote of 1960s conservative activists: "We were wrong about civil rights in the 1960s; legally right, perhaps, but morally wrong, and politically wrong as well." Policy Review *asked some prominent conservatives who opposed civil-rights legislation in the 1960s to reflect on Edwards' comments.*

Dear Sir:

I agree with Lee Edwards that opponents of the Civil Rights Bill of 1964 were wrong to the extent that they opposed that bill for moral reasons; indeed a state should have the right to outlaw Jim Crow laws. And obviously it was politically wrong to take a position opposed to the direct interest of 20 million people about to be enfranchised.

Troubling Means to Worthy Ends

Am I glad the civil-rights law (and its successor) passed? I don't find that question easy to answer. I can be glad, in my heart, that the lynch mob hanged the murderer while worried about the strategic effect of direct action. The Supreme Court, after *Brown* v. *Board of Education,* became a monumental American problem. It might have become that in any case. But before very long it had become the principal moral tribunal of the American people. ("What do I think about busing?" said presidential candidate George McGovern in 1972. "I don't have the answer to that. The Supreme Court hasn't ruled on the subject.") What the reporter wanted was not the view of the Supreme Court about compulsory busing, but the view of candidate McGovern. The psychologists call it transference, and this the American people—or, more accurately, the American clerisy—have done since the Supreme Court took over the business of serving as principal moral exegete of the law.

Those who opposed the Civil War did so not, in many cases (I think of Sam Houston), because they wished to prolong slavery, but because they wished to avoid bloodshed en route to manumission. I don't think it is safe to say that the results brought on by the civil-rights bill would have been long delayed if Congress had not acted, waiting for pressure from the American public, and the states. We have still to catch up with the fallout of the French Revolution, and certainly we have still to catch up with the fallout of the civil-rights laws.

William F. Buckley Jr.
New York, NY

20/20 Hindsight

Dear Sir:

Lee Edwards appears to have accurately sized up the situation as it was in the 1960s. Changes in the law have taken place, and such changes, in retrospect, have caused people to reexamine their attitudes. I feel now, of course, that these changes were for the better. However, it is important to keep in mind the damage that can be inflicted upon society as a whole when people are abruptly forced to reverse their customs and long-practiced lifestyles. This was a matter of great concern. We felt that in order for these changes to take place peacefully and with a minimum of upheaval, they must come about over a reasonable period of time.

Although I believe that these changes would have eventually and naturally occurred, we were faced with a situation that if allowed to continue may have hurt society more in the long run than the temporary confusion and disorder resulting from the enforcement of the Supreme Court decision. Hindsight being 20/20, it is always easy to look back on an era and second-guess what should have been done.

Senator Strom Thurmond
State of South Carolina

Dear Sir:

I can't agree 100 percent with what Lee Edwards has written about civil rights. I agree that conservatives who opposed civil-rights laws were legally right, but maybe morally wrong. What I object to was that some parts of the legislation were clearly unconstitutional.

One part of such laws that I question has been cleared up by a court decision. A man's right to rent, or sell, his property to whomever he wants, is still, in my mind, very constitutional. Anyone who tries to upset that is wrong. By the way, I practiced civil rights long before it became popular in Washington, and I'm happy with the results we have achieved here in Arizona.

I agree that conservatives who opposed civil-rights laws were legally right, but maybe morally wrong.

—Barry Goldwater

Barry Goldwater
Scottsdale, AZ

Constitutional Morality

Dear Sir:

I much enjoyed Lee Edwards' retrospect of the 1960s. It recalled to me an important portion of my own life and my earliest involvement in partisan politics: an experience like that of Mr. Edwards in some respects, but different as Texas, Oklahoma, and Tennessee differ from the District of Columbia, the rest of the Northeast, and much of the Midwest. Out of this experience (and some knowledge of American political and constitutional history) I therefore take exception to Edwards' repudiation of the conservative position on civil rights during (and before) that time.

In particular, I reject the notion that a sound constitutional morality—the highest morality we practice as citizens, and what all Americans pledge to observe when they undertake any important public service—can be called "morally and politically wrong." To maintain that the tradition of restricted federal authority produced and nurtured by 200 years of American history is one that must give way to subversion of the United States Constitution by construction or by legislative intrusion unsupported by an authorizing constitutional amendment is to argue that to relieve the grievances of one group of Americans is more important than to live under a government of laws. And therefore is to agree that we shall have no Con-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

stitution worthy of the name, almost no Constitution at all. Which is to threaten the liberty of *every* American, regardless of origin, condition, politics, or religion: to release what had been a restrained, customary, procedural version of fundamental law to support those in power in attempting what seems right in their eyes, undertaking whatever their "hands findeth to do" and whatever their rhetoric will allow them to rationalize as "good" according to "the higher law."

The apostolic precedent of obedience to God rather than to man seems inapplicable to anti-abortion civil disobedience.
—Carl F. H. Henry

Hidden Tyranny

To protect the liberty of *all* free men acting as independent agents in the private sphere is to acknowledge their liberty to be (according to many of their countrymen) wrong. This was clearly the conservative position in the 1960s. The only alternative was to ignore our common legal history and open the door to that tyranny which hides always behind the language of good intentions. And since the early 1970s that tyranny (which can make us equal only by making us, in the name of the 14th Amendment, slaves) has worn as its protective coloration a loud devotion to its version of the cause of civil rights. That conservatives are now sometimes intimidated by such language answers to a definition of moral wrong in the political sphere to which I continue to adhere.

Old-Fashioned Segregationists

As a Southerner, in the 1960s I knew many old-fashioned segregationists, some of them racists and some not. However, I never encountered one who thought that the conservative position concerning the civil-rights laws of 1964 and 1965 had to do with attitudes concerning race. They understood (as Mr. Edwards does not) that the issue was the increasing power of the federal government to manage details of their private lives, to restrict their ability to protect their children and families from conditions ranging from the unpleasant to the intolerable. They, like other conservatives, thought such changes in the basic social compact which defines us as a people a violation, unsupported by amendments to the Constitution that would require such change. And hence they thought those innovations, occurring in the name of civil rights, to be "morally wrong." Nor have they (like Lee Edwards, and many others who forget how conservative governments are elected) reached another opinion in these more "enlightened" times.

M. E. Bradford
Professor of English
University of Dallas
Dallas, TX

Lee Edwards responds:

Had I intended my article to be a thorough retrospective of the modern civil-rights movement, I would have tried, I hope, to cover the excellent points made by Senators Goldwater and Thurmond and Mr. Buckley. Certainly, any Catholic survivor of *aggiornamento*—the modernization of the church after Vatican II—must identify with Senator Thurmond's concern for the impact of sudden upheaval on society.

Mr. Bradford argues that my misreading of American history is responsible for my "mistaken" civil-rights position. Not so. My conservatism is built, in large part, on a belief in individual freedom and free market economics, both guaranteed by the Constitution but denied to blacks in many parts of these United States in the 1960s. I, too, appreciate states' rights, but who can deny that many states were not meeting their responsibilities to all of their citizens at the time? As for constitutional "morality," how tragic it is that the Founding Fathers were not able to overcome political, not legal, opposition and write into the Constitution an anti-slavery clause. If they had, there would have been no need for the Civil War or the civil-rights movement.

However, I do agree with Mr. Bradford that too many civil-rights leaders have wantonly abused the movement for their own political ends, creating in the minds of many Americans an image of hands out rather than heads up.

Persuasion vs. Coercion

Dear Sir:

I agree with Randall Terry ("Operation Rescue," Winter 1989) that the destruction of a million and a half fetuses a years, largely as a matter of sexual convenience and personal preference, is a horrendous evil against which every Christian should count by word and deed. But massive reliance on civil disobedience substitutes for vigorous persuasion and political process a broader form of public coercion that would soon breed cultural chaos were all citizens to resort to it in behest of their preferred causes.

During 1988, 13,000 anti-abortion demonstrators were arrested. Their right to protest is not in question, although the manner, direction, and extent of the protests is debatable. Operation Rescue compounds police and security costs not borne by the demonstrators but by the community, and it puts an added strain on already overcrowded jails. The city of Atlanta reportedly spent a half-million dollars for anti-abortionist protection and street cleanup. This fostered resentment against Operation Rescue even among some who sympathized with pro-life objectives.

Operation Rescue organizers have hinted that their goal is a national anti-abortion sit-in provoking perhaps a half-million arrests annually. Judges have issued injunctions in the past, levied high fines, and in some cases imposed sentences, although many courts have merely warned against repetition and have dropped charges.

The apostolic precedent of obedience to God rather than to man seems inapplicable to anti-abortion civil disobedience. Government neither requires parents to abort fetuses nor prohibits anti-abortionists from having as many children as they desire. There is no insistence that the fetus belongs to the state rather than to God (or to the parents, or to the mother).

Christian Muscle

Such massive civil disobedience largely reflects an excessive recoil

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

from fundamentalist social indifference, an indifference inspired by dispensational pessimism about culture. It leaps over political processes that unreconstructed fundamentalists have all too long largely ignored, and seeks to force social change by a public show of Christian muscle and moral conviction. To question the propriety of such political engagement is not to commend social indifference, but to emphasize that neglect of a life of personal holiness cannot be compensated for by intensified social concern. The issue of the legality or illegality of abortion must be resolved ultimately in the courts and its morality or immorality in conscience, not by massive protest and public coercion in the absence of persuasion. Evangelical conscience is answerable to Scripture, which emphasizes that God opens the womb, and implies that humans may assume divine prerogatives when they presume to close it.

Practice What You Preach

If churches are to retain even the reduced respect that secular society currently accords them, they must not force upon the general public conformity to moral imperatives and to ecclesial traditions that church constituencies themselves widely disregard in practice.

Carl F. H. Henry
Founding editor
Christianity Today
Arlington, VA

Dr. King's Venerable Precedent

Dear Sir:

Among many of those with whom I marched, and sat-in, and was arrested in the civil-rights years, there is an understandable desire to preserve the utter singularity of those events. Little wonder that they are made uneasy by arguments such as Randall Terry's, which draw the obvious analogies between those events and today's Operation Rescue.

A less benign explanation is forced upon us, however, when we witness Planned Parenthood gathering distinguished civil-rights leaders of the olden days to heap ridicule upon Mr. Terry and his associates. Then it becomes brutally evident that moral language and symbol are being exploited for narrowly partisan purposes.

Operation Rescue is not the only way of working to protect the unborn. Whether it is the best way is a matter of prudential judgment and personal vocation. But there is no doubt in my mind that, as nonviolent challenge to unjust law, it is a way that can find ample warrant in Christian ethics and venerable precedent in the American social experiment. Including the venerable precedent of the civil-rights movement as guided by the philosophy of Dr. King.

There is no doubt in my mind that Operation Rescue, as nonviolent challenge to unjust law, can find ample warrant in Christian ethics and venerable precedent in the American social experiment, including the venerable precedent of the civil-rights movement as guided by the philosophy of Dr. King.

—Richard John Neuhaus

Richard John Neuhaus
The Center on Religion and Society
The Rockford Institute
New York, NY

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

WHAT OPINION LEADERS ARE SAYING ABOUT THE MAGAZINE LEADING AMERICA'S NEW CATHOLIC RENAISSANCE

"CRISIS is a sane, reasonable source of much-needed information, analysis and reflection."

William Bennett

"A unique blend of realism and moral responsibility, helping every intelligent Catholic to better understand the central dilemmas of our time."

Zbigniew Brzezinski

"The advent of CRISIS has brought cheer to those who look for insights, instruction, erudition, and eloquence in exploring the faith. Eternally robust and rewarding."

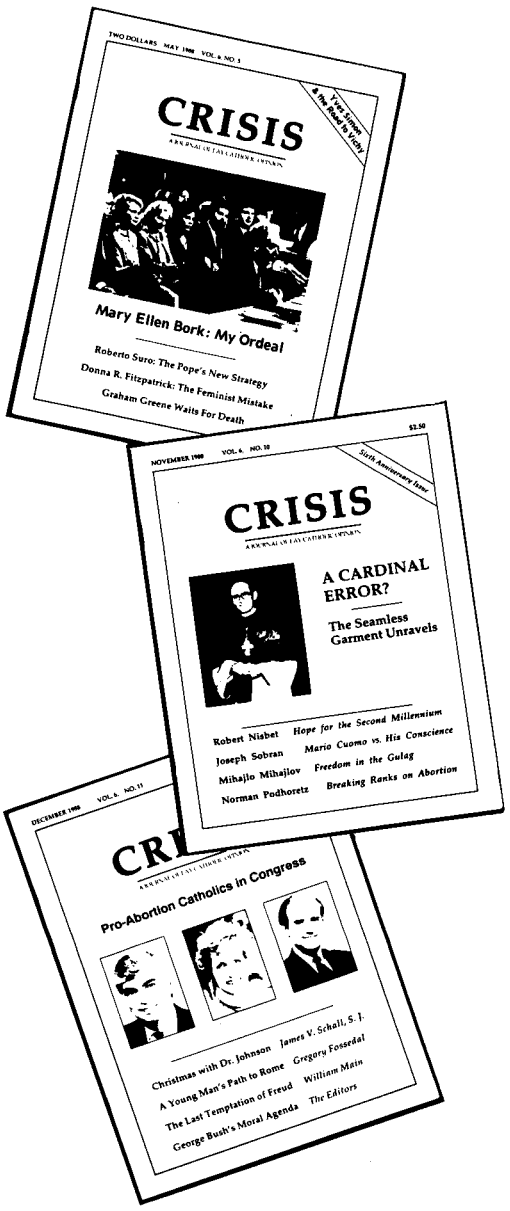
William F. Buckley, Jr.

"CRISIS has been one of the most important and interesting magazines to emerge in recent years. As a non-Catholic I find it informative and insightful and never miss an issue."

Irving Kristol

"I am a big fan of CRISIS. It publishes fascinating articles that you don't find anywhere else."

Walker Percy


CRISIS
Mary Ellen Bork: My Ordeal
Roberto Suro: The Pope's New Strategy
Donna R. Fitzpatrick: The Feminist Mistake
Graham Greene Waits For Death
CRISIS
A CARDINAL ERROR?
The Seamless Garment Unravels
Robert Nisbet Hope for the Second Millennium
Joseph Sobran Mario Cuomo vs. His Conscience
Mihajlo Mihajlov Freedom in the Gulag
Norman Podhoretz Breaking Ranks on Abortion
Pro-Abortion Catholics in Congress
Christmas with Dr. Johnson James V. Schall, S.J.
A Young Man's Path to Rome Gregory Fossedal
The Last Temptation of Freud William Main
George Bush's Moral Agenda The Editors

News breaking reports. Lively, unpredictable analysis. Commentary from the best and brightest. A healthy dose of humor.

SUBSCRIPTIONS ARE ONLY $19.95.

Call **1-800-CRISISS.**

Or send check to **Crisis,**

P.O. Box 1006,

Notre Dame, IN 46556

Please send me ☐ 1 year (11 issues) **19.95** ☐ 2 years **36.00**

Name _____

Address _____

City _____ State _____ Zip _____

PAYMENT PREFERRED

☐ Check enc. ☐ MasterCard/Visa ☐ Please bill me

Name of Card _____

Account # _____

Expiration Date _____

Signature _____

CRISIS, P.O. Box 1006, Notre Dame, IN 46556

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

WE DON'T JUST REPORT THE NEWS. WE *MAKE* NEWS.

On the Sandinistas:
Contra military commander Enrique Bermudez charged in POLICY REVIEW that "the Sandinistas have played the United States for a fool." *New York Times*

On Jeane Kirkpatrick:
In a POLICY REVIEW interview Jeane Kirkpatrick said: "The single most important change in my views in the last decade has been a much greater appreciation of market economics." *John Chamberlain, King Features Syndicate*

On Our Judeo-Christian Heritage:
In POLICY REVIEW Rabbi Joshua Haberman said that the bulwark we have against tyranny in this country is our firm belief in God and our firm belief in some standard of authority above government. *Pat Robertson, "Candidates '88 with Marvin Kalb"*

On the Evil Empire:
Picking up from President Reagan's phrase "evil empire," POLICY REVIEW's article, "Seventy Years of Evil," encapsulates some of the grimmer episodes of Soviet history. It is important reading. *Boston Globe*

On SDI:
Bob, you've talked about support for SDI, but you wrote in POLICY REVIEW that you would use it as a negotiating chip. *Representative Jack Kemp to Senator Bob Dole, NBC Presidential Debate*

On Republican Party Politics:
Jack Kemp elaborates the anti-establishment conservative case in POLICY REVIEW: "Despite its smaller size, only the activist wing can set the direction for the whole [Republican] party." The "establishment wing" is merely interested in "managing the status quo." *Sidney Blumenthal, Washington Post*

On Conservatism's Parched Grass Roots:
Amy Moritz wrote in POLICY REVIEW that the current state of the conservative movement is weak because in most cases leaders don't call on the millions of grass-roots activists except for financial contributions. *Washington Times*

On Media Bias:
ABC-TV reporter Rebecca Chase admitted that network producers, hell-bent on locating dire hunger, asked her "to scour the small towns of Mississippi to find hungry people . . . but I couldn't find any," she said in POLICY REVIEW. *Fred Barnes, Reader's Digest*

On the Family Farmer:
From "family farmer" Blake Hurst's article in POLICY REVIEW: "We don't really like accepting subsidies. But if we didn't enroll in government farm programs, our corn would be worth $1.80 a bushel; because we participate, we receive $3. Everybody has his price. Now you know ours." *Wall Street Journal*

On Crime and Punishment:
[In POLICY REVIEW Charles] Colson, former special counsel to President Nixon, makes a pretty good case for alternative sentencing, including restitution to victims of nonviolent crime. *William Raspberry, Washington Post*

On Angola:
Savimbi's strategy, as he outlines in POLICY REVIEW, is " . . . to raise the costs of the foreign occupation of Angola until the Cubans and the Soviets can no longer bear the burden." *Norman Podhoretz, Washington Post*

On Anti-Communism:
POLICY REVIEW . . . is the organ of the Heritage Foundation—the brain center of the most rabid reaction. *Pravda*

POLICY REVIEW

American conservatism's most quoted and influential magazine.

NAME _____
(please print)

ADDRESS _____

CITY/STATE/ZIP _____

☐ Payment Enclosed ☐ Bill me ☐ VISA ☐ Master Card ☐ American Express

Card number _____ Exp. Date _____ Signature _____

Begin my subscription: ☐ Current issue ☐ Next issue ☐ one year $18 ☐ two years $34 ☐ three years $48

The flagship publication of The Heritage Foundation.

Check payable to: Policy Review, 214 Massachusetts Ave., N.E., Washington, D.C., 20002. Add $8.00 postage per year for foreign air-speeded delivery. SSB89B

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

policy REVIEW

Although David Duke ran for a relatively minor state-level office, the media made his name a household word. By contrast, they fastidiously downplayed my race in Maryland for one of the most important electoral positions in the country. Whatever reinforces the false impression that Republicans and conservatives are racists gets big play. Whatever decisively refutes it is ignored.

Alan Keyes
My Race for the Senate: Can a Black Conservative Receive a Fair Trial from the American Media?

91
0 74470 65831 3

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED